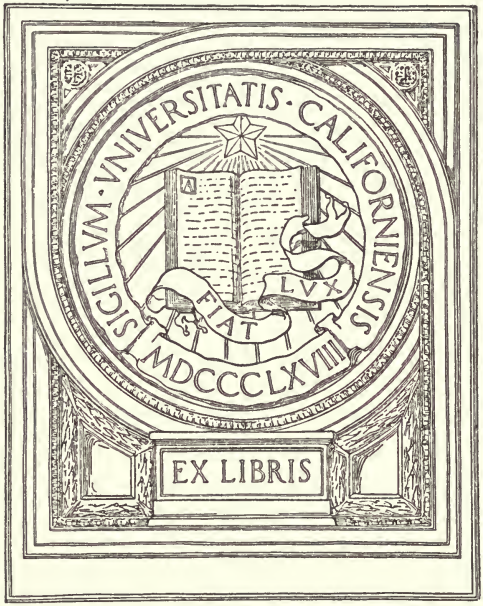
GIFT OF
Prof. C. A. Kofoid



Charles M. Conrad
December 5th 1860

The great & last war in
America. Good by brother

Daniel Webster

THE

LIFE, SPEECHES, AND MEMORIALS

OF

DANIEL WEBSTER;

CONTAINING

HIS MOST CELEBRATED ORATIONS,

A SELECTION FROM THE EULOGIES DELIVERED ON THE OCCASION OF HIS DEATH;

AND HIS LIFE AND TIMES,

BY

SAMUEL M. SMUCKER, LL.D.,

AUTHOR OF "COURT AND REIGN OF CATHARINE II.," "HISTORY OF NICHOLAS I.," "ARCTIC EXPLORATIONS AND DISCOVERIES," "LIFE OF ALEXANDER HAMILTON," "MEMORABLE SCENES IN FRENCH HISTORY," ETC.

PHILADELPHIA:

PUBLISHED BY DUANE RULISON,

No. 33 SOUTH THIRD STREET.

ST. LOUIS: C. DREW, 125 LOCUST STREET.

GENEVA, N.Y.: J. WHITLEY, JR., DAVIS' BLOCK, WATER ST.

1861.

E 340
W4S4

Entered according to Act of Congress, in the year 1859, by
DUANE RULISON,
in the Clerk's Office of the District Court of the United States for the Eastern District of Pennsylvania.

STEREOTYPED BY L. JOHNSON & CO.
PHILADELPHIA.

Gift of Prof C. A. Lofgrid

TO MIAU
AIMOTJAO

PREFACE.

THE following work has been prepared in order to supply a want, in reference to the life and political career of Daniel Webster, which was believed still to exist among the reading public. Biographies of this distinguished man, possessing various degrees of merit, abound on every hand; but there is no work in existence which contains, in so convenient and compact a form as the present, a narrative of the chief events of his life, together with a selection from his most celebrated speeches, and the most worthy eulogies which were elicited from his admiring countrymen in regard to him at the period of his death.

The main purpose, therefore, of the present volume, is not so much the exhibition of originality as the attainment of usefulness. That portion of it which is devoted to Mr. Webster's biography presents a history of all the important incidents of his career. The selection from his speeches has been carefully made; and the writer's effort has been to choose those which derived superior value both from the magnitude of the occasions on which they were delivered, and from the greater profundity and power which characterize them. Of the various eulogies which

M111799

were pronounced on Mr. Webster after his decease, the most elaborate and excellent which the writer has been able to procure, and to use without encroaching on the rights of others, have here been reprinted. The writer, therefore, indulges the hope, that, taken as a whole, the work may prove a not unworthy tribute to the fame of one of the most eminent and illustrious men of modern times.

S. M. S.

PHILADELPHIA, January 25, 1859.

CONTENTS.

Life and Times of Daniel Webster.

CHAPTER I.

PAGE

Birth of Daniel Webster—Sketch of his Family—His Boyhood—His First Teachers—Enters a Law-Office—Becomes a Student of Phillips Academy—Peculiarities of Dr. Abbot—Webster commences to teach School—His Usefulness and Success 9

CHAPTER II.

Webster's Intercourse with Dr. Samuel Wood—He prepares himself for College—He enters Dartmouth College—His Habits and Pursuits—He delivers a Fourth-of-July Oration—Extract from it—He completes his Collegiate Course—His Speech at graduating 16

CHAPTER III.

Webster continues the Study of the Law—He becomes Principal of Fryeburg Academy—Mr. Fessenden—His Further Studies with Mr. Thomson—His Removal to Boston—Christopher Gore—The Offered Clerkship—Webster's Admission to the Bar—Commences Practice at Boscawen—His Removal to Portsmouth—His Marriage—His First Term in Congress.... 24

CHAPTER IV.

Calamity at Portsmouth—Webster's Second Term in Congress—The Tariff—Webster's Opposition to it—His Removal to Boston—His Professional Distinction—Case of Kenniston *vs.* Goodridge—Mr. Webster declines Political Honors—Continues his Professional Labors—Serves in the Convention to Revise the Constitution of Massachusetts—Celebrated Dartmouth College Case—Signal Display of Mr. Webster's Abilities 36

CHAPTER V.

Mr. Webster again elected to Congress—Debates in Congress respecting Greece—Mr Webster's Speech on the Occasion—Extract from it—His

PAGE

Opposition to the Tariff—Mr. Webster's Speech on the Laying of Bunker Hill Monument—Chairman of the Judiciary Committee—Reform in the U. S. Supreme Court—Mr. Webster's Speech on the Death of John Adams —He is elected Senator from Massachusetts in the Twentieth Congress... 52

CHAPTER VI.

Webster's Reply to Mr. Hayne—Preliminary Circumstances—Speeches of Mr. Benton—Mr. Hayne's First Speech—His Character and Talents—Mr. Webster's First Speech in Reply—The Second Speech of Mr. Hayne—Its Character—Extract from it—Mr. Webster's Reply—Intense Interest felt on the Occasion—Mr. Webster's Appearance and Manner—The Audience —Qualities of his Great Speech—Its Prodigious Effect and Power..... 64

CHAPTER VII.

Death of Mrs. Webster—Mr. Webster's Second Marriage—The Celebrated Case of John Francis Knapp—Circumstances of the Case—Revelations of Hatch—Of Palmer—Crowninshield arrested—The Two Knapps—Confession of Joseph Knapp—Trial of Francis and Joseph Knapp—The Result—Mr. Choate's Narrative—Mr. Webster's Ability as a Criminal Lawyer—The Variety of his Talents..... 88

CHAPTER VIII.

Accession of General Jackson to the Presidency—Mr. Van Buren rejected as Minister to England—Mr. Webster supports the Renewal of the Charter of the U. S. Bank—Removal of the Deposits—Disastrous Consequences—Mr. Webster's Speeches on the Subject—Nullification in South Carolina—Mr. Webster's Celebrated Speech thereon—The Action of the President and of Congress—Accession of Van Buren to the Presidency—The Sub-Treasury Scheme—Mr. Webster's Opposition to it—Abolition of Slavery in the District of Columbia..... 98

CHAPTER IX.

Mr. Webster's Visit to England—Election of General Harrison to the Presidency—His Death—Accession of Mr. Tyler—The "Treaty of Washington"—Its Various Provisions—Ability displayed by Mr. Webster as a Diplomatist—Approval of the Treaty by Congress and the Executive —"*Impressment*"—Great Oration of Mr. Webster in Faneuil Hall—Extract from the Speech—Hostility of C. J. Ingersoll to Mr. Webster—Mr. Webster's Retort upon him..... 113

CHAPTER X.

Temporary Retirement of Mr. Webster from Political Life—His Legal Arguments—The Girard Will Case—Suit against the City of Boston—Mr. Webster returns to the Senate—Annexation of Texas—Dispute respect-

PAGE

ing Oregon Territory—The Mexican War—Admission of California—The Compromise Measures of Mr. Clay—Mr. Webster's Able Speech on the Subject..... 127

CHAPTER XI.

Death of General Taylor—Mr. Webster's Eulogy upon Him—Mr. Webster's Last Speech in the Senate—Mr. Fillmore appoints him Secretary of State—Mr. Webster's Celebrated Letter to Chevalier Hülsemann—Disputed Authorship—Expedition of Lopez against Cuba—Its Results—Other Questions of Importance disposed of by Mr. Webster—His Treatment of Kossuth..... 136

CHAPTER XII.

Approach of Mr. Webster's Last Illness—His Religious Opinions—A Summary of it—Mr. Webster's Will—New and Alarming Symptoms—Mr. Webster's Scrutiny of his Own Dissolution—His Death—His Intellectual Character—Parallel between Him and Alexander Hamilton—Mr. Webster's Skill in Agriculture—His Library—His Favorite Amusements—His Fondness for the Sea-Shore—The Admirable Proportion of his Mental Faculties—His Peculiarities as an Orator—His Great Logical Power—His Boldness and Fortitude—The Permanence and Splendor of his Fame..... 144

Select Speeches of Daniel Webster.

I.—Mr. Webster's Reply to Mr. Hayne in the U. S. Senate, January 26, 1830..... 151

II.—Speech in the Senate on the Slavery Compromise, March 7, 1850. 253

III.—Speech on the Greek Revolution, delivered in the House of Representatives, January 19, 1823..... 305

IV.—Speech on the Trial of John F. Knapp for murder, at Salem, Massachusetts..... 347

V.—Argument in the Goodridge Case, delivered in April, 1817, at Ipswich Massachusets..... 418

Obituary Addresses Delivered on the Occasion of Mr. Webster's Death.

PAGE

I.—Eulogy by Mr. Davis in the United States Senate 441

II.—Eulogy by Mr. Butler 445

III.—Eulogy by Mr. Cass 447

IV.—Eulogy by Mr. Seward 453

V.—Eulogy by Mr. Stockton 459

VI.—Eulogy by Mr. Davis, in the House of Representatives 462

VII.—Eulogy by Mr. Appleton 464

VIII.—Eulogy by Mr. Preston 469

IX.—Eulogy by Mr. Seymour 473

X.—Eulogy by Mr. Chandler 477

XI.—Eulogy by Mr. Bayly 481

XII.—Eulogy by Mr. Stanley 485

XIII.—Eulogy by Mr. Taylor 490

XIV.—Address of Edward Everett, delivered in Boston 493

XV.—Rufus Choate's Address to the Boston Bar 501

XVI.—Eulogy delivered by George S. Hillard in Boston 514

XVII.—Eulogy delivered by Hiram Ketchum, in New York 541

XVIII.—The Obsequies of Daniel Webster 545

WEBSTER'S BIRTH-PLACE.

THE

LIFE AND TIMES

OF

DANIEL WEBSTER.

CHAPTER I.

Birth of Daniel Webster—Sketch of his Family—His Boyhood—His First Teachers—Enters a Law-Office—Becomes a Student of Phillips Academy—Peculiarities of Dr. Abbot—Webster commences to teach School—His Usefulness and Success.

ALL civilized nations have been proud of the fame of their most eminent orators and statesmen. Greece, the gifted land of ancient art and genius, boasts of her Demosthenes and Æschines; Rome, the martial mistress of the world, of her Cicero and Hortensius; England, of her Chatham and Burke; France, of her Mirabeau and Vergniaud. Our own country justly entertains the same sentiment of partiality and admiration for her two most illustrious citizens, her CLAY and WEBSTER. These are her greatest intellectual giants; and around their achievements as orators, as patriots, and as statesmen a deathless interest will continue to cluster, as long as this Republic retains a place either in reality, or even in history, and as long as liberty is enjoyed or revered among men.

DANIEL WEBSTER, the intellectual Colossus of the New

World, was born at Salisbury, New Hampshire, on the 18th of January, 1782. He was the youngest son of Ebenezer and Abigail Webster. He first saw the light in the remotest recesses of what was at that time the extreme verge of civilization, on the northeastern boundary of the United States. The humble tenement in which he was born was the last house which then existed in the direction of the Canadian frontier.

Daniel was one of a family of ten children; and his ancestors were worthy to have preceded so illustrious a man. They had been residents of Rockingham county, New Hampshire, from the commencement of the eighteenth century, and had always been esteemed for their superior intelligence and moral worth. His father, Ebenezer Webster, was a man of rare virtues and of great mental powers. His large, muscular frame encased a soul gifted with qualities which allied him in character to the sternest sages of Greece or Rome. He never attended school a single day; yet by his self-taught exertions he attained a wide and accurate acquaintance with knowledge of almost every description. In those primeval times when the luxuries and even the conveniences of civilization were rarely attainable, except by those most favored by fortune, Ebenezer Webster pursued his lonely and undirected studies at night by the lurid light of blazing pine-knots; and thus he gradually prepared himself to assume no humble place among his contemporaries. During the trials of the Revolutionary era he was made the captain of a company of his co-patriots; he served with honor at Bennington and White Plains; and, after peace was proclaimed, he received, among other marks of esteem and confidence from his fellow-citizens, the office of Associate Judge in the Court of Common Pleas.

Of the other members of the family, the most remark-

able was Ezekiel Webster, an elder brother of Daniel. He too became a lawyer, was a man of superior ability, possessing the same massive mould of intellectual as well as physical character which marked his more illustrious brother; but he died suddenly and prematurely, in the midst of an argument which he was delivering before the court at Concord, in his native State, at the age of forty-nine.

The boyhood of Daniel Webster was spent in the obscure and rural retreat where he was born. At this period he was of slender frame and delicate health. It is narrated that the most remarkable feature of the strangely intelligent and thoughtful child then were two immense eyes, which seemed to be instinct with thought, feeling, and expression; and, as we turn over the annals of the earliest years of this wondrous man, we meet with additional proofs that a mother's mind and power, as in the vast majority of cases, moulded and gave character to the future mental and moral qualities of the man. Daniel's mother was his first and best teacher. From her he received the first rudiments of learning. His first text-book was also the best; for it was the Bible. So early had he been taught his letters, that he is reported to have declared that he could not remember the time when he could not spell. As he grew in years, he increased in intelligence, and was remarked for a degree of wit which surpassed his fellows. When a boy, having set the bed-clothes on fire while reading late at night, he replied, when reproved for his carelessness, that he was in search of *light*, but was sorry to say that he received more of it than he desired.

The first school which Daniel attended was situated two miles and a half from the paternal residence, and it was necessary for him, even during the severest rigors of winter, to walk thither and back. He was ardent in the pursuit of

knowledge, and, indeed, seemed intuitively to appreciate its vast importance. At the age of fourteen he could repeat from memory the whole of Pope's Essay on Man, together with a large proportion of the hymns and psalms of Dr. Watts. His first teachers were Thomas Chase and James Tappan, to whom belonged the honor of having aided in the opening of the mind and the first development of the powers of this as yet quiescent and infant giant. These faithful and patient pedagogues have long since passed away to the oblivious repose of the tomb; but their services in this connection entitle them to honorable mention in the history of their illustrious pupil through all coming time.

It is also worthy of remark that during his boyish days Daniel was called on to contribute his share of manual work to the usual labors of his father's farm; and we may readily imagine the boy, arrayed in his tow frock and trowsers, with his rake or sickle in his hand, perspiring at every pore, toiling hard during the long days of harvest-time to gather the gold-bearing crop. Of this feature of his youthful days Daniel Webster was ever afterward proud; and in his great speech on the "Agriculture of England," delivered in Boston in 1840, he referred with undisguised pleasure to the fact that in his early life he had been made familiar with the labors and the details of husbandry.

At the age of fourteen Daniel was permitted by his father to become office-boy to Mr. Thomas W. Thompson, a young lawyer who at that period removed to Elm Farm and commenced practice. The latter was frequently compelled to be absent from home, and he needed some one to answer for him to clients and visitors when he himself was not present. He rewarded the lad by permitting him to use some of his books, and by giving him useful

directions as to his studies. He first placed in Daniel's hands a Latin grammar. Soon, without any difficulty, the lad mastered a large portion of its dry details. Next came other productions, of a more intricate and ponderous nature; among which were some of the more elaborate and profound works on English real-estate law. It is said that the youthful student pored over these books during six hours each morning, while the afternoon was given to the more congenial reading of Shakspeare and other leading works in the more attractive department of *belles-lettres* literature.

We may readily suppose that this very early tincture of legal knowledge may have given young Webster's mind a bias for the abstruse science of the law, which afterward attracted him toward that profession as his chief employment in the future. But it will doubtless clearly appear to every reflecting mind that such a course of instruction as that which was thus suggested to young Webster was pernicious, because it was badly arranged. He had not yet received the most necessary and essential amount of elementary instruction; and this was absolutely requisite to fit him for the attainment of higher and more ultimate professional knowledge. Accordingly, it was resolved by his parents that he should be sent to an academy, not indeed to prepare him for the further study of the law, but to fit him to act as a *school-teacher* as the future business of his life. Accordingly, on the 24th of May, 1796, young Webster set out on horseback for Phillips Academy at Exeter, in the county of Rockingham, in his native State, to pursue a course of academical study. This was the most celebrated institution of the kind then in New England. He rode thither on a side-saddle placed upon a horse intended for the use of a lady in Exeter, and his appearance was not the most attractive. His outward

bodily traits were also by no means pleasing. He seemed to be a person destined soon to become the victim of consumption; nor would any intelligent observer have predicted for him a long life, any more than he would have guaranteed him an illustrious career. He was accompanied to Exeter by his father. Appearing in the presence of Dr. Benjamin Abbot, the president of the academy, that pompous but able official questioned the timid lad severely as to his previous studies; and after these inquiries were satisfactorily answered, he ordered him to read a passage from the Bible. It was the twenty-second chapter of Luke. Young Daniel had been taught to read or recite with great impressiveness by his intelligent mother; and he acquitted himself so admirably on this occasion that he at once gained the friendly regard of the pedagogical potentate, and was received as a pupil. "Young man," said the latter, with a solemn, dictatorial emphasis which we may imagine but not describe, "you are qualified to enter this institution!"

Webster remained at Phillips Academy during nine months. He was in truth a hard student. He rapidly acquired a vast amount of information. His preceptor, Dr. Abbot, declared in after-years that he never knew a boy whose power of amassing and retaining knowledge equalled that of young Webster. He was especially facile and apt in the comprehension and acquisition of principles; and in nine months he accomplished as much as most youths would have done in two years. His health was still feeble. He seemed to have a head far too large and ponderous for his feeble body. But he impressed every one connected with the institution with his superior intellectual powers. From Exeter he returned home, and commenced to teach school. His father's means being limited, he wished to earn something for himself, and to

deliberate upon his future plans of life. He was younger than many of his pupils; yet he was amply qualified to impart to them the most valuable instruction. He was popular as a teacher both among his scholars and with their parents and friends; and he might perhaps have continued to labor in this humble sphere during some years, had not a propitious circumstance seemed accidentally to rescue him from the obscurity to which it would have consigned him.

CHAPTER II.

Webster's Intercourse with Dr. Samuel Wood—He prepares himself for College—He enters Dartmouth College—His Habits and Pursuits—He delivers a Fourth-of-July Oration—Extract from it—He completes his Collegiate Course—His Speech at graduating.

At this period the Rev. Samuel Wood, LL.D., a clergyman of talents and learning, and possessing an especially generous nature, removed to Boscawen, a short distance from Salisbury, the residence of young Webster. He was a graduate of Dartmouth College; and one of his most amiable qualities was the deep interest which he took in the advancement of youths who exhibited superior mental powers, or who seemed anxious to attain knowledge and distinction. An elective affinity soon attracted him to young Webster; and in a short time he felt a deep concern in his welfare. Daniel became a pupil of Dr. Wood, and remained several months under his tuition. He would have continued doubtless much longer, had not a benevolent plan been conceived by his tutor in reference to him. He discovered what an intellectual gem of the first magnitude and of the purest water lay embedded in the person of his gifted scholar; and he determined that it should not always remain hidden in the "dark unfathomed caves" of the ocean of obscurity where it then lay. He conversed with Daniel's father on the subject, and urged upon him the importance of sending his talented son to Dartmouth College. The proposition at first startled him. That was a bold and ambitious venture for his favorite son, which he had never anticipated, and scarce even then dared to contemplate. Though he then possessed a large tract of

land, which in the progress of time would become valuable, yet at that moment it was but little productive. His means therefore were limited, and his family was large. On the other hand, parental pride and affection pleaded loudly in favor of the measure. At length, after much deliberation and a desperate struggle, it was determined that Daniel should be sent to Dartmouth. When first informed of this important and decisive step by his father while riding with him in a rude sleigh in a remote and snow-covered part of the country, the emotions of the lad were too great for utterance. At one moment he wept, and at another exulted, and expressed his joy and gratitude to his father in feeling terms; for he well knew that no small sacrifices would be necessary on the part of his parent to enable him to carry out this resolution.

Daniel immediately commenced to prepare himself for his removal to the college. He arrived at Hanover at the moment when the Faculty of the institution were engaged in examining candidates for admission to the Freshman class. No time was to be lost; and young Webster, covered with mud, drenched with rain, and presenting in every respect a most unfavorable aspect, was called upon to undergo the terrible ordeal. His appearance was singular indeed. The rain had completely saturated his suit of blue clothes, which had been woven, made, and dyed at home, and the fugitive colors had in some measure been transferred to his person. He was then not only deserving of the epithet of "Black Dan," but also of "Blue Dan." Notwithstanding his repulsive appearance, he passed a favorable examination, and was admitted to the Freshman class. Dr. John Wheelock was then president, whose kindly regard toward the young applicant had been procured by the friendly influence and interposition of Dr. Wood.

During Webster's residence at Dartmouth College he was studious, orderly and industrious. It has long been the fashion of common and vulgar report to represent his conduct at this time differently; and thousands of idle and worthless juveniles, who have wasted and squandered the inestimable advantages of early education which were offered them, and frequently almost forced upon them, have excused their fatal follies and neglect of their opportunities by the supposed example of young Webster. Nothing could be more erroneous and preposterous than the supposition that he was idle and negligent of his studies while at college. His teachers at the institution boldly predicted his future eminence; nor would they have done this had his conduct not then been worthy of admiration and applause. He did not excel in Greek and mathematics: for these branches he exhibited but little fondness. But every other department of academical learning, especially logic, psychology, moral philosophy, and all those sciences which particularly require grasp and profundity of thought, he mastered with facility. When in his seventeenth year, in 1800, he was invited by the citizens of Hanover to deliver a Fourth-of-July oration. He accepted the invitation, which was itself a mark of honor, and delivered the first of his speeches, of which a record has been transmitted to posterity. It was entitled "An Oration pronounced at Hanover, New Hampshire, on the 4th of July, 1800, being the Twenty-Fourth Anniversary of American Independence, by Daniel Webster, member of the Junior Class, Dartmouth University." It was published by the request of the subscribers, and printed at Hanover by Moses David, shortly after its delivery. That the reader may form an idea of the style of the youthful orator, we will quote an extract from this singular yet meritorious production:

"No sooner was peace restored with England (the first grand article of which was the acknowledgment of our Independence) than the old system of Confederation, dictated at first by necessity, and adopted for the purposes of the moment, was found inadequate to the government of an extensive empire. Under a full conviction of this, we then saw the people of these States engaged in a transaction which is undoubtedly the greatest approximation toward human perfection the political world ever yet witnessed, and which, perhaps, will forever stand in the history of mankind without a parallel. A great Republic, composed of different States, whose interest in all respects could not be perfectly compatible, then came deliberately forward, discarded one system of government and adopted another, without the loss of one man's blood.

"There is not a single Government now existing in Europe which is not based in usurpation, and established, if established at all, by the sacrifice of thousands. But in the adoption of our present system of jurisprudence we see the powers necessary for government voluntarily flowing from the people, their only proper origin, and directed to the public good, their only proper object.

"With peculiar propriety we may now felicitate ourselves on that happy form of mixed government under which we live. The advantages resulting to the citizens of the Union are utterly incalculable, and the day when it was received by a majority of the States shall stand on the catalogue of American anniversaries second to none but the birthday of Independence.

"In consequence of the adoption of our present system of government, and the virtuous manner in which it was administered by a Washington and an Adams, we are this day in the enjoyment of peace, while war devastates Europe! We can now sit down beneath the shadow of

the olive, while her cities blaze, her streams run purple with blood, and her fields glitter with a forest of bayonets! The citizens of America can this day throng the temples of freedom and renew their oaths of fealty to independence, while Holland, our once sister Republic, is erased from the catalogue of nations; while Venice is destroyed, Italy ravaged, and Switzerland—the once happy, the once united, the once flourishing Switzerland—lies bleeding at every pore!

"No ambitious foe dares now invade our country. No standing army now endangers our liberty. Our commerce, though subject in some degree to the depredations of belligerent powers, is extended from pole to pole; our navy, though just emerging from non-existence, shall soon vouch for the safety of our merchantmen, and bear the thunder of freedom around the ball. Fair Science, too, holds her gentle empire amongst us, and almost innumerable altars are raised to her divinity, from Brunswick to Florida. Yale, Providence, and Harvard now grace our land; and Dartmouth, towering majestic above the groves which encircle her, now inscribes her glory on the registers of fame! Oxford and Cambridge, those Oriental stars of literature, shall now be outshone by the bright sun of American science, which displays his broad circumference in uneclipsed radiance.

"Pleasing, indeed, were it here to dilate on the future grandeur of America; but we forbear, and pause for a moment to drop the tear of affection over the graves of our departed warriors. Their names should be mentioned on every anniversary of Independence, that the youth of each successive generation may learn not to value life when held in competition with their country's safety.

"Wooster, Montgomery, and Mercer fell bravely in battle, and their ashes are now entombed on the fields

that witnessed their valor. Let their exertions in our country's cause be remembered while liberty has an advocate and gratitude has a place in the human heart.

"Greene, the immortal hero of the Carolinas, has since gone down to the grave, loaded with honors, and high in the estimation of his countrymen. The courageous Putnam has long slept with his fathers; and Sullivan and Cilley, New Hampshire's veteran sons, are no more remembered with the living.

"With hearts penetrated by unutterable grief, we are at length constrained to ask, Where is our Washington? where the hero who led us to victory? where the man who gave us freedom? where is he who headed our feeble army when destruction threatened us, who came upon our enemies like the storms of winter and scattered them like leaves before the Borean blast? Where, O my country, is thy political savior? where, O humanity, thy favorite son?

"The solemnity of this assembly, the lamentations of the American people, will answer, 'Alas! he is now no more! the mighty is fallen!'

"Yes, Americans, Washington is gone! he is now consigned to dust and sleeps in 'dull, cold marble!'

"The man who never felt a wound but when it pierced his country—who never groaned but when fair freedom bled—is now forever silent!

"Wrapped in the shroud of death, the dark dominions of the grave long since received him, and he rests in undisturbed repose! Vain were the attempt to express our loss,—vain the attempt to describe the feelings of our souls! Though months have rolled away since his spirit left this terrestrial orb and sought the shining worlds on high, yet the sad event is still remembered with increased sorrow. The hoary-headed patriot of '76 still tells the

mournful story to the listening infant, till the loss of his country touches his heart and patriotism fires his breast. The aged matron still laments the loss of the man beneath whose banners her husband has fought or her son has fallen. At the name of Washington, the sympathetic tear still glistens in the eye of every youthful hero. Nor does the tender sigh yet cease to heave in the fair bosom of Columbia's daughters.

> 'Farewell, O Washington, a long farewell!
> Thy country's tears embalm thy memory;
> Thy virtues challenge immortality;
> Impress'd on grateful hearts, thy name shall live
> Till dissolution's deluge drown the world.'"

During Webster's fourth year in college he studied particularly intellectual philosophy, ethics, and international law; while at the same time he paid special attention to his improvement in oratory. For this noble and masterly art he seemed to have, from an early period, a very strong predilection, and at a precocious age gave evidence of a future distinction in it. He perused the great masters of ancient and modern eloquence with intense interest, and endeavored to imitate some of their qualities. At length the end of his academical career arrived. Four studious years had Webster spent at Dartmouth; and each advancing month gave proof of his constant and rapid progress. On commencement-day he delivered an oration on "Natural Science," dwelling chiefly on the then recent and remarkable discoveries of Lavoisier in chemistry. Why he selected so dry and abstract a theme for the subject of a speech on such an occasion, it would be difficult to conjecture. It is probable that the distribution of themes among the other members of the graduating class may have been such as to render that subject desirable or even necessary on his part. He graduated on the 26th of

August, 1801, and was then prepared to look abroad upon the great world for a wider and more important sphere of activity in the future; and we may truly add, that never did a stronger intellectual giant brace himself to the performance of any difficult and noble task than was he when he turned his back on the cherished and beloved shades of Dartmouth to engage in other and far different scenes.

CHAPTER III.

Webster continues the Study of the Law—He becomes Principal of Fryeburg Academy—Mr. Fessenden—His Further Studies with Mr. Thompson—His Removal to Boston—Christopher Gore—The Offered Clerkship—Webster's Admission to the Bar—Commences Practice at Boscawen—His Removal to Portsmouth—His Marriage—His First Term in Congress.

DANIEL WEBSTER had now resolved to devote himself to the legal profession as his pursuit through life; and accordingly he entered his name as a student of law in the office of Thomas W. Thompson, immediately after his return from college to Salisbury. Yet at this time his means were so limited that he felt the necessity of endeavoring to earn something for himself; and he therefore began to look about for an engagement in his old craft of school-teaching,—the usual resort of necessitous youths of talent both then and in later times. Through the recommendation of a friend, he was invited to take charge of an academy then vacant at Fryeburg, in Maine. He commenced his labors in this capacity in January, 1803, and continued them during nine months. The great statesman subsequently described his entry into the scene of his future achievements as a pedagogue, in the following language. Said he, "At that time I was a youth not quite twenty years of age, with a slender frame of less than one hundred and twenty pounds' weight. On deciding to go, my father gave me rather an ordinary horse, and after making the journey from Salisbury upon his back, I was to dispose of him to the best of my judgment, for my own benefit. Imme

diately on my arrival, I called upon you,* stating that I would sell the horse for forty dollars, and requesting your aid in his disposal. You replied that he was worth more, and gave me an obligation for a larger sum, and in a few days succeeded in making a sale for me at the advanced price. I well remember that the purchaser lived about three miles from the village, and that his name was James Walker. I suppose he has long since deceased." On being told that he was still living, he said, with great heartiness: "Please give him my best respects."

Among the intimate associates of Webster at Fryeburg was the Rev. William Fessenden, whose personal qualities fitted him in every respect to be the companion of so remarkable a youth, and whose large and well-selected library opened to him rare and valuable treasures of knowledge. Though he was much older than the young pedagogue, he found much congeniality in his society; and their conversations on the gravest questions of history and philosophy were frequent and protracted, and were doubtless promotive of the improvement of both.

When at length Webster resigned his post, he received a vote of thanks from the trustees, in addition to his salary, setting forth the industry and ability with which he had performed his duties. After a brief tour of travel for the benefit of his health, he returned to Salisbury and entered himself regularly as a student of law in the office of his former friend, Mr. Thompson. With him he remained during eighteen months, devoting himself most assiduously to the attainment of professional knowledge. Though his preceptor was a man of very competent attainments for the place which he filled, he was far below the grade of young Webster's aspirations; and the latter now felt a dis-

* Addressed to Mr. Robert Bradley, of New Hampshire.

position to look elsewhere for a more learned and accomplished instructor. He naturally turned his thoughts toward Boston, then, as now, regarded as the capital of New England. Among the lawyers who at that time held an eminent position at that bar was the Hon. Christopher Gore; and him Webster selected as his professional tutor.

Mr. Gore was every way worthy of this preference. He was a native of Boston, a graduate of Harvard University, and had entered upon the practice of the law soon after the opening of the courts which followed the proclamation of peace in 1783. He was appointed by Washington the first United States District Attorney for the District of Massachusetts, and was subsequently made a commissioner with William Pinckney, under the seventh article of Jay's treaty with England, to reside in England. After his return to Boston he was elected Governor of Massachusetts, and Senator in Congress from his native State. A man of such ability was a fit instructor for the aspiring and enlarging intellect of young Webster; and it is a circumstance which is recorded greatly to his praise that he soon discerned the superior intellectual power which his pupil possessed, and admitted him to terms of familiarity and equality of intercourse which were rarely permitted to others under similar circumstances, and which conferred very great credit upon both of them.

Mr. Webster remained in the office of Governor Gore from July, 1804, till March, 1805, assiduously pursuing his studies and devoting his attention more particularly to the higher and more abstruse branches of the law. He also made himself familiar with a wide range of English history; being persuaded, as every intelligent jurist must be, that law is in itself in a great measure an historical science, and that no one can be a master in it who is not acquainted with the annals of the English nation and the gradual de-

velopment and consolidation of English common law. So ardent and protracted were Mr. Webster's studies that his health began to be affected by it, and the relaxation of travelling became necessary for him. Accordingly, accompanied by Mr. Baldwin, an intelligent citizen of Boston, he journeyed in the autumn of 1804 through a portion of New England and New York. He stopped a short time at Albany, and was courteously received and entertained by the Schuylers and Van Rensselaers, the social magnates of the place. He impressed all whom he met with a conviction of his superior mental powers.

Having returned to Boston, he resumed his legal studies; and soon an incident occurred which displayed in a clear and convincing light his stability of character and his resolution of purpose. His father's estate was at that time considerably embarrassed with debt; and that debt had been chiefly incurred by his efforts to support his sons Daniel and Ezekiel during their collegiate studies. A pecuniary obligation in that day, when imprisonment for debt was still the disgrace and stigma of the law of the land, was a very serious matter; and it was natural that his incumbrances should be the cause of much anxiety to Webster's father, and that he should use his utmost endeavors to be released from the oppressive burden. In pursuance of this purpose, he succeeded in obtaining for his son Daniel the appointment of clerk to the Court of Common Pleas in his native county; an office which was worth fifteen hundred dollars, a large portion of which could be appropriated to the liquidation of the father's debts. He immediately wrote to Daniel, informing him of his good fortune, and requiring him to return at once to Salisbury to enter upon the duties of his new office.

This proposition was a sudden blow to all the ambitious aspirings of the young student. To relinquish his cherished

and chosen profession, and the hopes which were connected with it, would have been a sad calamity indeed; yet he was affectionately attached to his father, and he would be willing to make almost any sacrifice to promote his interests. A terrible struggle ensued in the mind of young Webster. He carefully weighed all the considerations which appertained to each side of the question. At length he started homeward, reached his father's house, and hurried into his presence. It was not long before the latter discovered that Daniel did not regard the proffered post with much approbation; and at length he positively refused to abandon his profession and subside into the obscurity of court clerk. The old man was astonished and greatly offended. He used every argument to overcome the resolution of his ambitious son; but he reasoned in vain. At last Daniel, having expressed his determination to return to Boston, poured into the lap of his astonished father the sum in gold which was necessary to liquidate all his debts and set his mind at rest. The joy produced by this unexpected good fortune may readily be imagined; and Daniel then explained how a generous friend in Boston, to whom he had stated his dilemma, named Emery, had kindly offered to lend him the money, which offer he had thankfully accepted.

After this pleasing incident, young Webster returned to Boston and completed his studies. He was admitted to the bar after a rigid examination in March, 1805. On making the motion to that effect, Mr. Gore added, contrary to the usual custom, a eulogy on the abilities and deserts of his pupil. The next point to be decided was, where the newly-fledged lawyer should settle and commence his professional career. Many considerations plead in favor of his remaining in Boston. His friends in that city urged him to do so, and tendered him their

influence and patronage. One firm offered him a collecting business amounting to thirty thousand dollars. Boston was a theatre admirably fitted for the future exercise of his talents. But other and stronger considerations induced him to bury himself in the quiet obscurity of a remote village of New Hampshire. He desired to be near his aged father; and that motive, more than any other, induced him to desert the brilliant career which Boston offered him, and return to his native spot. He did so, and opened an office in the neighboring village of Boscawen, where his window was decorated by the unpretending sign of "*D. Webster, Attorney.*" Thus, in March, 1805, when twenty-three years old, and after nine years of preparatory study, did this great man commence his public career. It will readily be supposed that he soon began to attract attention and to gain practice. His first case was tried in the presence of his father, who still sat upon the bench as an Associate Judge. It is said that his abilities as a speaker gained him the admiration of his contemporaries at the commencement of his career, and that his future eminence was immediately predicted. In two years after his admission to the bar, his fame extended throughout the whole of his native State; and among the hundred lawyers who at that time lived and practised in it he was already regarded as one of the ablest. He was remarkable for the care with which he prepared his cases, as well as for the ability with which he tried them. In arguing disputed points of law and of evidence, in the examination of witnesses, and in addresses to the jury, he displayed superior ability. His father died a short time after he commenced practice; and hence the strongest motive which attracted him to his obscure home was withdrawn. Accordingly, after a residence of two years at Boscawen, Mr. Webster removed to Portsmouth for the purpose of entering upon a

more extended and more appropriate sphere. This was the largest and most important city in the State, and it numbered among its resident lawyers several men of great eminence and ability. Among these were Jeremiah Mason and Jeremiah Smith, who soon discovered the great talents of the new-comer, and accorded to him that consideration and courtesy which he deserved. Mr. Webster's professional prospects rapidly brightened, and he soon obtained a large and lucrative practice, though surrounded by competitors of no mean ability, and possessed of the advantages of patronage and local influence.

On the 11th of June, 1808, an important event occurred in the life of this remarkable man. It was his marriage to a young lady to whom he had become attached, the daughter of the Rev. Mr. Fletcher, of Hopkinton, and a person of great beauty, intelligence and amiability. In an old newspaper which is long since defunct forever, named the *Portsmouth Oracle*, this event is thus very briefly narrated: "Married, in Salisbury, Daniel Webster, Esq., of this town, to Miss Grace Fletcher." Few matrimonial alliances have ever been contracted which were productive of a greater degree of domestic happiness than this.

Very few incidents deserving of note occurred to Mr. Webster during the four years which elapsed from his marriage till the period when he entered the political arena. That interval was industriously filled up by his close attention to his professional pursuits. His reputation as a lawyer was gradually rising higher and higher; so that his services were in constant requisition, and sometimes at distant places. He soon became the most prominent and distinguished citizen of Portsmouth; and, as such, it was very natural that he should be drawn into the vortex of political life. He resisted this tendency for some time, till at length, in November, 1812, he was

placed in nomination for a seat in Congress, with his consent,—an honor which he had declined on several previous occasions. He belonged to what was then known as the Federal party, and the crisis which occurred at that time was of more than usual importance and difficulty. The embargo and the war with England had resulted most disastrously to the commerce and the interests of New England. Mr. Webster was nominated and voted for as the representative and advocate of peace and free-trade. As such he was elected to represent the district to which Portsmouth belonged.*

According to the usual operation of law, Mr. Webster would not have taken his seat in Congress until the December of the following year; but the imminence of the crisis had induced the President, Mr. Madison, to summon an extra session, which commenced its sitting in May, 1813. At the appropriate time the new representative began his journey toward the Federal capital. He took his seat for the first time in that hall which was destined so often afterward to be the scene of his magnificent displays of talent, on the 24th of May, 1813. The first committee of which he was appointed a member was that on Foreign Affairs; and with him were associated such men as Calhoun, Grundy, Jackson of

* The following interesting relic of the past will show the state of parties and the names of candidates as they existed at that time in that portion of the Confederacy:

THE WEBSTER TICKET.

Daniel Webster	18,597	Samuel Smith	18,569
Bradbury Cilley	18,595	Roger Voss	18,611
William Hale	18,583	Jeduthun Wilcox	18,478

OPPOSITION TICKET.

John F. Parrott	16,051	Jesse Johnson	15,927
John H. Harper	15,985	Josiah Butler	15,764
David L. Morrill	16,060	Number of Scattering	784
Samuel Dinsmoor	15,996		

Virginia, and Fish of New York. Nor did he long remain a silent member of the House. On the 10th of June, after occupying his seat about two weeks, he rose and offered a series of resolutions, which sifted the matter of the war, then under deliberation, to the bottom. As these resolutions possess more than ordinary interest as the first public effort of Mr. Webster in the Congress of his country, we will here insert them:

"*Resolved*, That the President of the United States be requested to inform this House, unless the public interest should, in his opinion, forbid such communication, when, by whom, and in what manner the first intelligence was given to this Government of the decree of the Government of France, bearing date the 28th of April, 1811, and purporting to be a definite repeal of the decrees of Berlin and Milan.

"*Resolved*, That the President of the United States be requested to inform this House whether Mr. Russell, late *Chargé d'Affaires* of the United States at the Court of France, hath ever admitted or denied to his Government the correctness of the declaration of the Duke of Bassano to Mr. Barlow, the late minister of the United States at that court, as stated in Mr. Barlow's letter of the 12th of May, 1812, to the Secretary of State, that the said decree of April 28th, 1811, had been communicated to his (Mr. Barlow's) predecessor there; and to lay before this House any correspondence with Mr. Russell relative to that subject which it may not be improper to communicate; and also any correspondence between Mr. Barlow and Mr. Russell on that subject, which may be in the possession of the Department of State.

"*Resolved*, That the President of the United States be requested to inform this House whether the Minister of France near the United States ever informed this

Government of the existence of the said decree of the 28th of April, 1811, and to lay before the House any correspondence that may have taken place with the said Minister relative thereto, which the President may not think improper to be communicated.

"*Resolved*, That the President of the United States be requested to communicate to this House any other information which may be in his possession, and which he may not deem injurious to the public interest to disclose, relative to the said decree of the 28th of April, 1811, and tending to show at what time, by whom, and in what manner the said decree was first made known to this Government or to any of its representatives or agents.

"*Resolved*, That the President be requested, in case the fact be that the first information of the existence of said decree of the 28th of April, 1811, ever received by this Government or any of its ministers or agents, was that communicated in May, 1812, by the Duke of Bassano, to Mr. Barlow, and by him to his Government, as mentioned in his letter to the Secretary of State, of May 12, 1812, and the accompanying papers, to inform this House whether the Government of the United States hath ever received from that of France any explanation of the reasons of that decree being concealed from this Government and its Ministers for so long a time after its date; and, if such explanation has been asked by this Government, and has been omitted to be given by that of France, whether this Government has made any remonstrance, or expressed any dissatisfaction, to the Government of France, at such concealment."

These resolutions Mr. Webster supported by an argument of much ability. It was his maiden speech in Congress. It impressed all who heard it with a high estimate of his talents; and among the rest was Chief-Justice

Marshall, who declared, in a letter subsequently written to a friend, "that though he was then unacquainted with Mr. Webster, he readily discerned from that speech that he was a very able man, and would become one of the first statesmen in America, and perhaps the very first."

So well had Mr. Webster acquitted himself during his first term of office as representative in Congress, that, after its conclusion, in August, 1814, he was re-elected from his former district by an immense majority. On his return to the national councils, a very different state of affairs existed, and called for a different species of legislation. In December, 1814, peace with England was proclaimed; and thenceforth the internal and commercial affairs of the country demanded the attention of Congress. The currency was in a state of miserable derangement, and the Government proposed the establishment of a United States Bank as the most efficient remedy for the existing evils. The charter of the first United States Bank had expired several years prior to this date. The constitutionality of such an institution was one of the chief points under discussion. Mr. Madison directed his Secretary of State, Mr. Dallas, to send a bill to the House proposing to erect a new bank with a capital of fifty millions, forty-five millions of which should consist of the public stocks and five millions of specie. It was not to be a specie-paying bank, and was to lend the Government thirty millions at any time in payment for the immunities which were thus conferred upon it. Mr. Webster was not opposed to a United States Bank in the abstract; but he condemned an institution which should be based entirely upon such questionable principles. He denounced it as a mere paper-money and flimsy contrivance, calculated to rob the community and to embarrass both the Government and the currency. So ably did he and some other repre-

sentatives oppose the passage of the bill, that it was lost as originally reported; but, being afterward reconsidered, some important amendments were introduced into it and then adopted. It was immediately submitted to the President for his approval; but the latter was not disposed thus to abandon his first position, and he returned it with his objections. The period for the adjournment of Congress supervened at this crisis; and the subject was postponed until a subsequent occasion, when it again assumed a prominent position in the deliberations of Congress and in the interest of the nation.

CHAPTER IV.

Calamity at Portsmouth—Webster's Second Term in Congress—The Tariff—Webster's Opposition to it—His Removal to Boston—His Professional Distinction—Case of Kenniston *vs.* Goodridge—Mr. Webster declines Political Honors—Continues his Professional Labors—Serves in the Convention to Revise the Constitution of Massachusetts—Celebrated Dartmouth College Case—Signal Display of Mr. Webster's Abilities.

In December, 1813, Mr. Webster suffered a heavy loss in the burning of his house at Portsmouth, together with his library and all his private papers. This calamity embarrassed him in several ways. It was not merely a pecuniary loss, but it occasioned him great inconvenience by being deprived of many important and valuable memoranda, which contained the fruits of long study and laborious research both in regard to legal and literary subjects. But a mind as powerful as his could not be disheartened by any misfortune, however great; and he resumed his professional pursuits with undiminished ardor and success.

The interval between the thirteenth and the fourteenth Congress, from March to December, 1815, was actively employed by Mr. Webster. When Congress reassembled, he took his place as a representative from New Hampshire. Already had he made his mark and acquired an eminence in the national legislature; and his conduct and policy were watched with interest. The first subject of importance which came up for discussion was the question of revenue and taxation. The revenues of the Federal

Government were then in an embarrassed condition. The expenses of the recent war with England had loaded the country with heavy debts; and a protective tariff was proposed by the war-party for the purpose of increasing the revenue, and for promoting the interests of those domestic manufactures which had commenced to exist and to flourish in certain portions of the Confederacy. The interests of New England at that period were chiefly of a commercial and maritime nature; and a high tariff was consequently repugnant to the feelings and the welfare of her people. Mr. Webster, therefore, as one of her representatives in Congress, felt it to be his duty to oppose a tariff at that time. He admitted the constitutionality of the measure, though he denied its expediency. But the Middle and Southern States combined their resources together, and it was thereby triumphantly carried.

The next measure of importance which occupied the attention of Congress was the establishment of the United States Bank. Mr. Webster again opposed the creation of an institution which should be closely connected with the Government. He contended that both should be entirely independent of each other. He defended his opinions with great logical force and ability in several speeches made on the occasion; but his efforts were again unsuccessful, and the bank was established. He was more fortunate in his next movement. He offered resolutions in the House the purport of which was to ordain, in substance, that all debts due to the Federal Government in all the several States should be liquidated only in gold or silver, or in the notes of such banks as paid specie at their counters on demand. Previous to this period, the revenues collected in the different States had been paid in the bills of the banks of those States respectively. Some States therefore whose notes constantly bore a par value—such, for

instance, as those of New England—paid the full amount of the sums due to the Federal treasury; whereas other States, whose banks were at a heavy discount, defrauded the Government sometimes as much as twenty-five per cent. by paying their dues in the notes of the banks of those States, which did not bear par value. The resolutions offered by Mr. Webster, while they were perfectly just and equitable in the abstract, were also highly favorable to the interests of New England, and as such they greatly increased his popularity and influence with his constituents.

At the termination of this session of Congress Mr. Webster returned home covered with laurels. He now determined to seek a more enlarged arena for his future professional labors; and he resolved to remove either to Boston or Albany, in both of which places he had many influential friends. After some deliberations, he selected Boston as his future home, and in August, 1816, he removed his family thither. He had, indeed, another session to serve in Congress as representative for New Hampshire; but the events of that session were unimportant, and nothing occurred in it in reference to Mr. Webster which needs to be recapitulated in this narration of his history. At its close he refused all further political honors, and devoted himself to his professional duties in Boston. Great as were his talents, it was necessary even for him to exert himself, in order to acquire a lucrative and eminent position at such a bar as the capital of New England then possessed; and during some years Mr. Webster devoted himself assiduously to the duties of his profession. He rapidly rose to the first place at the bar of his adopted State. As may readily be supposed, his natural gifts and his acquired powers made him *facile princeps* among a host of able and distinguished advocates. Among his rivals there were indeed men who were his equals, perhaps

his superiors, in one single gift or intellectual accomplishment. Some may have had more technical legal learning, others more experience at the bar, and more craft. But he was unequalled for a rare and admirable combination of great gifts, which constituted in him a stupendous and unequalled whole.

Mr. Webster's practice soon became extensive and profitable. He entered into both civil and criminal causes. Some of these were of the first importance, and of general interest throughout the community. The ability, the eloquence, the learning and the success with which he conducted them won for him a wide reputation as an advocate, and added the laurels of the forum to the plaudits of the Senate, which he already enjoyed. One of these law-suits deserves to be described more minutely, from the degree of general attention which it attracted at the time. It was the case of the Kennistons *vs.* Goodridge. The latter was a respectable young man who resided at Bangor in Maine. On his way to Boston with a considerable sum of money, he was reported to have been robbed. Before commencing his journey, he procured a pair of pistols; and upon each piece of money which he carried he had made a private mark, by which he could readily identify it again. Mr. Marston of Newburyport, who was associated with Mr. Webster in the trial, thus describes the succeeding incidents of the case:

"When he arrived at Exeter, New Hampshire, he procured nine balls, and then, for the first time, made no secret of having pistols. At this place he left his sleigh, obtained a saddle, and started for Newburyport on horseback, late in the afternoon of the 19th of December, 1817, passing the Essex Merrimack bridge a few minutes before nine o'clock. On the brow of the hill, a short distance from the bridge, is the place of the robbery, in full

view of several houses, on a great thoroughfare, where people are constantly passing, and where the mail-coach and two wagons were known to have passed within a few minutes of the time of the alleged robbery.

"The major's story was as follows: 'Three men suddenly appeared before him, one of whom seized the bridle of the horse, presented a pistol, and demanded his money. The major, pretending to be getting his money, seized a pistol from his portmanteau with his right hand, grasped the ruffian at the horse's head with his left, and both discharged their pistols at the same instant, the ball of his adversary passing through the major's hand. The three robbers then pulled him from his horse, dragged him over the frozen ground, and over the fence, beating him till he was senseless, and robbed him of about seventeen hundred dollars in gold and paper money, and left him with his gold watch and all his papers in the field. Recovering in about half an hour, he went back to the bridge, passed several houses without calling, and, at the toll-house, accused the first person he met with—a female—of robbing him; and so continued charging various people about him with the robbery. After some time, a lantern was procured, and himself with others started for the place of the robbery, where were found his watch, papers, penknife, and other articles. He represented to them that the robbers had bruised his head, stamped upon his breast, and stabbed him in several places. Physicians were called; and he appeared to be insane. The next day he went to Newburyport, and was confined to his bed for several weeks. A reward of three hundred dollars, soon increased by voluntary subscriptions to one thousand, was offered for the detection of the robbers and the recovery of the money. As soon as the major was able to leave his bed, he went to Danvers, consulted his friends there;

and the result of his deliberations and inquiries was the arrest of the Kennistons, who were found in an obscure part of the town of New Market, New Hampshire, their place of residence. In their house the major found some pieces of his marked gold deposited under a pork-barrel in the cellar. He also found there a ten-dollar note, which he identified as his own.

"This was proof indeed of the facts of the robbery, which seemed for a time effectually fastened on the Kennistons. But one circumstance after another came to light in regard to the transaction, until some people felt doubts creeping over their minds as to the truthfulness of the major's story. These were few in number, it is true; but such an intimation, coming from any respectable source, was enough to startle the major and his friends from their apathy and incite them to renewed efforts to probe this dark and mysterious transaction to its depths. The result was to search the house of Mr. Pearson, the toll-gatherer at the bridge; but here nothing was found. They then procured the services of an old conjurer of Danvers, Swimmington by name, and, under his direction, with witch-hazel and metallic rods, renewed their search upon Mr. Pearson's premises, this time discovering the major's gold and paper wrappers. Mr. Pearson was arrested, carried to Newburyport, examined before two magistrates, and discharged at once. This operation proved most unpropitious to the major's plans. So great was the indignation of Mr. Pearson's friends—for he was a respectable man—that they lost all control over themselves, and, after the examination, detaching the horses from the sleigh, they drew him home themselves.

"It now became more necessary than ever that some one should be found who might be connected with the Kennistons in the robbery; for the circumstances in re-

lation to these men were such that the public could not believe that they had received a portion of the spoil. The next step, therefore, was to arrest one Taber of Boston, who had formerly lived in Portland, and whom Goodridge said he had seen at Alfred on his way up, and from whom he pretended to have obtained information in regard to the Kennistons. In Taber's house were found a number of the marked wrappers which the major had put round his gold before leaving home. Taber was likewise brought to Newburyport, examined, and bound over for trial with the Kennistons.

"Notwithstanding all this accumulation of evidence, the public were not satisfied. It seemed to be necessary that somebody living near the bridge should be connected with the transaction; and Mr. Joseph Jackman was fastened upon as that unfortunate man, he having left Newbury for New York very soon after the alleged robbery. Thither Goodridge immediately proceeded, found Jackman, who was living then with his brother, searched the house, and in the garret, among some old rubbish, found a large number of his marked wrappers! The major's touch was magical, and underneath his fingers gold and bank-notes grew in plenty. Jackman was arrested and lodged in 'the Tombs,' while Goodridge returned to Boston, got a requisition from the governor, and had him brought in irons to Ipswich, where the supreme judicial court was then in session. The grand jury had risen; but he was examined before a magistrate, and ordered to recognize to appear at the next term, which he did, and was discharged. An indictment had been found against the Kennistons and Taber; and the time of trial had arrived. Notwithstanding the doubts and suspicions which had been excited by the conduct of Goodridge, yet the evidence against the Kennistons,

Taber and Jackman was so overwhelming, that almost every one felt sure of their conviction. To such an extent did this opinion prevail, that no member of the Essex bar was willing to undertake their defence. Under these circumstances, two or three individuals, who had been early convinced that the major's stories were false from beginning to end, determined, the day before the trial, to send to Suffolk for counsel. Mr. Webster had just then removed to Boston from Portsmouth. His services were engaged; and, *late in the night preceding the day of trial*, he arrived at Ipswich, having had no opportunity to examine the witnesses, and but little time for consultation. The indictment against Taber was *nol prossed*, and the trial of the Kennistons was commenced. Mr. Webster, as senior counsel, conducted the defence with a degree of ability, boldness, tact and legal learning which had rarely been witnessed in Essex county; and, notwithstanding the accumulated mass of evidence against the Kennistons, they were acquitted.

"At the next term of the supreme judicial court, Jackman was indicted and tried; but the jury did not agree, though the Hon. William Prescott had been employed to assist the prosecuting officer. Jackman was again tried at the next term of the court, and this time defended by Mr. Webster, and acquitted.

"The criminal prosecutions growing out of this affair being thus ended, Mr. Pearson commenced an action against Goodridge for malicious prosecution, laying his damages at two thousand dollars, which sum the jury awarded him without leaving their seats. In this case also Mr. Webster was counsel for the plaintiff; and time had brought forth so many new facts, and the evidence was so clear and overwhelming against Goodridge, that the public became satisfied that he was his own robber!

He was surrendered by his bail, committed to jail, took the poor debtors' oath, and soon after left the commonwealth, and has not resided here since. The public rarely stop to consider how much they are indebted to men like Webster for laying bare the villainy of such a deep-laid and diabolical plot. But for him, there is no doubt the Kennistons and Jackman would have been convicted of highway-robbery, though innocent."

After Mr. Webster had resided about two years in Boston, he was urged by his friends to become a candidate for Congress for the third time. This offer he positively declined; and a short time afterward when his admirers wished to put forward his name before the Legislature of Massachusetts as candidate for election to the United States Senate, he returned the same answer, and again declined the proffered honor. The truth was, that both his interests and his inclination bound him to his profession, and he would not permit himself to be diverted at that time from its duties even by the prospect of the highest political promotion. Seven years were thus spent by Mr. Webster in professional pursuits before he again allowed himself to be involved in the distracting strife of politics, excepting in capacities or relations which were to him matters of small moment. Thus, he served as one of the Presidential electors of Massachusetts at the re-election of Mr. Monroe; and he was also a delegate to the convention which revised the Constitution of the Commonwealth in 1821.

During the period in which Mr. Webster devoted himself exclusively to his legal practice in Boston, he was employed in many cases of great interest and of the highest consequence, both in Boston and in the Supreme Court of the United States. Our limits forbid us to enumerate many of these; and we will confine ourselves to but one,

—the memorable Dartmouth College case against Woodward. In the year 1769 a charter had been obtained from the Legislature creating and establishing the corporation of the college. It was designated therein as a charity-school, which had originally been founded by Dr. Eleazer Wheelock, and supported by funds which he had collected, or caused to be collected, both in England and America. Subsequently the Legislature of New Hampshire passed several acts which conflicted with some of the provisions of the original charter; and the question to be determined by the Supreme Court in that trial was, whether the acts of the Legislature, which virtually destroyed the original corporation, which was to consist of but twelve members *and no more*, and which created in effect a new and a different corporation, were binding upon the old corporation without their consent; if, moreover, those acts were not contrary to the Constitution of the United States. The cause was tried in the first instance in the court of Rockingham county, and judgment was given in favor of the constitutionality and validity of the acts of the Legislature in question. A writ of error was sued out by the original plaintiffs, and the cause removed to the Supreme Federal Court at Washington. The case was finally argued on the 10th of March, 1818, before a full bench. Messrs. Webster and Hopkinson represented the plaintiffs in error, Messrs. Holmes and Wirt the defendant in error. Able as were the antagonists of Mr. Webster in this celebrated trial, his abilities transcended them all. After lengthy and elaborate arguments on both sides, the court decided in favor of the plaintiffs,—the College of Dartmouth,—and by a final decree declared the acts of the Legislature to have been invalid, and reversed the judgment of the court below.

As this was one of the most signal triumphs of Mr.

Webster's intellect, it may be proper to introduce here an extract from the masterly argument which he delivered on the occasion. Among his many great forensic efforts, none exhibited more clearly and imposingly the grasp, clearness and power of his mind in dealing with the most intricate and profound principles which are involved in one of the most abstruse and recondite of sciences. After having argued the two fundamental points that the acts of the Legislature were in violation of common right and the Constitution of New Hampshire, and that they were repugnant to the Federal Constitution, which forbids all *ex post facto* laws, he concluded his speech as follows:

"There are in this case all the essential constituent parts of a contract. There is something to be contracted about; there are parties; and there are plain terms in which the agreement of the parties on the subject of the contract is expressed. There are mutual considerations and inducements. The charter recites that the founder, on his part, has agreed to establish his seminary in New Hampshire, and to enlarge it beyond its original design, among other things, for the benefit of that province; and thereupon a charter is given to him and his associates, designated by himself, promising and assuring to them, under the plighted faith of this State, the right of governing the college and administering its concerns in the manner provided in the charter. There is a complete and perfect grant to them of all the power of superintendence, visitation and government. Is not this a contract? If lands or money had been granted to him and his associates for the same purposes, such grant could not be rescinded. And is there any difference, in legal contemplation, between a grant of corporate franchises and a grant of tangible property? No such difference is recognised in any decided case, nor does it exist in the common apprehension of mankind.

"It is, therefore, contended that this case falls within the true meaning of this provision of the Constitution, as expounded in the decisions of this court; that the charter of 1769 is a contract, a stipulation or agreement, mutual in its considerations, express and formal in its terms and of a most binding and solemn nature. That the acts in question impair this contract has already been sufficiently shown. They repeal and abrogate its most essential parts.

"A single observation may not be improper on the opinion of the court of New Hampshire, which has been published. The learned judges who delivered that opinion have viewed this question in a very different light from that in which the plaintiffs have endeavored to exhibit it. After some general remarks, they assume that this college is a public corporation; and on this basis their judgment rests. Whether all colleges are not regarded as private and eleemosynary corporations by all law-writers and all judicial decisions; whether this college was not founded by Dr. Wheelock; whether the charter was not granted at his request, the better to execute a trust which he had already created; whether he and his associates did not become visitors by the charter; and whether Dartmouth College be not, therefore, in the strictest sense, a private charity, are questions which the learned judges do not appear to have discussed.

"It is admitted in that opinion that, if it be a private corporation, its rights stand on the same ground as those of an individual. The great question, therefore, to be decided, is, To which class of corporations do colleges thus founded belong? And the plaintiffs have endeavored to satisfy the court that, according to the well-settled principles and uniform decisions of law, they are private, eleemosynary corporations.

"Much has heretofore been said on the necessity of

admitting such a power in the Legislature as has been assumed in this case. Many cases of possible evil have been imagined, which might otherwise be without remedy. Abuses, it is contended, might arise in the management of such institutions, which the ordinary courts of law would be unable to correct. But this is only another instance of that habit of supposing extreme cases, and then of reasoning from them, which is the constant refuge of those who are obliged to defend a cause which upon its merits is indefensible. It would be sufficient to say in answer that it is not pretended that there was here any such case of necessity. But a still more satisfactory answer is, that the apprehension of danger is groundless, and therefore the whole argument fails. Experience has not taught us that there is danger of great evils or of great inconvenience from this source. Hitherto, neither in our own country nor elsewhere have such cases of necessity occurred. The judicial establishments of the State are presumed to be competent to prevent abuses and violations of trust in cases of this kind, as well as in all others. If they be not, they are imperfect, and their amendment would be a most proper subject for legislative wisdom. Under the government and protection of the general laws of the land, these institutions have always been found safe, as well as useful. They go on with the progress of society, accommodating themselves easily, without sudden change or violence, to the alterations which take place in its condition, and in the knowledge, the habits and pursuits of men. The English colleges were founded in Catholic ages. Their religion was reformed with the general reformation of the nation, and they are suited perfectly well to the purpose of educating the Protestant youth of modern times. Dartmouth College was established under a charter granted by the provincial Government; but a better constitution for a

college, or one more adapted to the condition of things under the present Government, in all material respects, could not now be framed. Nothing in it was found to need alteration at the Revolution. The wise men of that day saw in it one of the best hopes of future times, and commended it as it was, with parental care, to the protection and guardianship of the Government of the State. A charter of more liberal sentiments, of wiser provisions, drawn with more care or in a better spirit, could not be expected at any time or from any source. The college needed no change in its organization or government. That which it did need was the kindness, the patronage, the bounty, of the Legislature; not a mock elevation to the character of a university, without the solid benefit of a shilling's donation to sustain the character; not the swelling and empty authority of establishing institutes and other colleges. This unsubstantial pageantry would seem to have been in derision of the scanty endowment and limited means of an unobtrusive, but useful and growing, seminary. Least of all was there a necessity, or pretence of necessity, to infringe its legal rights, violate its franchises and privileges, and pour upon it these overwhelming streams of litigation.

"But this argument from necessity would equally apply in all other cases. If it be well founded, it would prove that, whenever any inconvenience or evil is experienced from the restrictions imposed on the Legislature by the Constitution, these restrictions ought to be disregarded. It is enough to say that the people have thought otherwise. They have most wisely chosen to take the risk of occasional inconvenience from the want of power, in order that there might be a settled limit to its exercise and a permanent security against its abuse. They have imposed prohibitions and restraints; and they have not rendered these

altogether vain and nugatory by conferring the power of dispensation. If inconvenience should arise which the Legislature cannot remedy under the power conferred upon it, it is not answerable for such inconvenience. That which it cannot do within the limits prescribed to it, it cannot do at all. No Legislature in this country is able—and may the time never come when it shall be able!—to apply to itself the memorable expression of a Roman pontiff: '*Licet hoc* DE JURE *non possumus, volumus tamen* DE PLENITUDINE POTESTATIS.'

"The case before the court is not of ordinary importance, nor of every-day occurrence. It affects not this college only, but every college, and all the literary institutions, of the country. They have flourished hitherto, and have become in a high degree respectable and useful to the community. They have all a common principle of existence,—the inviolability of their charters. It will be a dangerous, a most dangerous experiment, to hold these institutions subject to the rise and fall of popular parties and the fluctuations of political opinions. If the franchise may be at any time taken away or impaired, the property also may be taken away, or its use perverted. Benefactors will have no certainty of effecting the object of their bounty; and learned men will be deterred from devoting themselves to the service of such institutions, from the precarious title of their offices. Colleges and halls will be deserted by all better spirits, and become a theatre for the contentions of politics. Party and faction will be cherished in the places consecrated to piety and learning. These consequences are neither remote nor possible only. They are certain and immediate.

"When the court in North Carolina declared the law of the State, which repealed a grant to its university, unconstitutional and void, the Legislature had the candor and the

wisdom to repeal the law. This example, so honorable to the State which exhibited it, is most fit to be followed on this occasion. And there is good reason to hope that a State which has hitherto been so much distinguished for temperate counsels, cautious legislation, and regard to law, will not fail to adopt a course which will accord with her highest and best interests, and in no small degree elevate her reputation."

CHAPTER V.

Mr. Webster again elected to Congress—Debates in Congress respecting Greece—Mr. Webster's Speech on the Occasion—Extract from it—His Opposition to the Tariff—Mr. Webster's Speech on the Laying of Bunker Hill Monument—Chairman of the Judiciary Committee—Reform in the U. S. Supreme Court—Mr. Webster's Speech on the Death of John Adams—He is elected Senator from Massachusetts in the Twentieth Congress.

In December, 1823, Mr. Webster again took his seat in the House of Representatives at Washington. He had been elected by a very large majority of the citizens of Boston, in consequence of the high fame which he had attained as a statesman, and the confidence which he had secured in their personal esteem. A committee composed of Thomas Perkins, William Sturgis, and other distinguished residents of Boston, called upon him to inform him of his nomination; and to their solicitations that he should run as a candidate, he yielded. His opponent in the canvass was Jesse Putnam. When Congress convened Henry Clay was again chosen Speaker; and many familiar faces welcomed Mr. Webster to the scene of his former brilliant displays of eloquence and statesmanship.

The first subject of general interest which engaged the attention of the House was the deadly conflict which was at that time raging in Greece between the heroic defenders of Grecian liberty and the fierce and savage myrmidons of the Turkish despot. The whole civilized world felt a deep interest in that memorable struggle. England, France, Germany and Poland had experienced the thrilling effect of a spectacle in which, on the one

hand, the noblest attributes of humanity—its heroism, its fortitude, its love of country, its patriotic pride, and its regard for ancestral glory—had all been aroused into vigorous and sublime activity; while on the other hand, the most terrible and detestable qualities of human nature had been enlisted to crush them,—its cruelty, its ferocity, its selfishness, its avarice, and its love of carnage and blood. A powerful nation possessing the most formidable and effective resources seemed about to crush the liberties, and even to obliterate the very existence, of a small and insignificant state,—a state glorious indeed in the memories and achievements of the past, but totally incapable, without assistance from others, of resisting the colossal power which seemed resolved upon its subjugation and ruin.

It is not singular that such a contest should interest all intelligent and generous minds. The Senate of Calamita had sent appeals for assistance to several of the countries of Europe; and one of a similar character had reached this country. Intense sympathy for the battling heroes inspired thousands of bosoms; and Mr. Monroe, in his last annual message, adverted to the theme, and expressed the hope that Greece, so long trodden beneath the feet of tyrants, might soon resume her place among the nations, and that no sentiment of selfishness or of fear should prevent the friends of liberty throughout the world from rendering the patriots their assistance. On the 8th of December Mr. Webster introduced a resolution in the House to the effect that "provision ought to be made by law for defraying the expense of an agent or commissioner to Greece, whenever the President should deem it expedient to make such an appointment." On the 19th of January, 1824, the House resolved itself into a committee of the whole, and the resolution was taken up for discussion. Then it was that Mr. Webster delivered one of his most

eloquent and memorable orations. He dwelt upon the principle already advocated by Mr. Monroe, and known at that time, and ever since, as one of his peculiar views,—that the policy of this country should in general be a peaceful one, and that it should retain the attitude under all circumstances of non-intervention in the affairs of foreign nations. He argued that the case of Greece and her struggle for liberty formed a necessary exception to this salutary rule. But it would be impossible to convey to the reader an idea of the eloquence and power which marked this celebrated oration by any description; we will therefore make an extract from it, selecting for that purpose its most striking and remarkable portion:

"It was about this time—that is to say, at the commencement of 1821—that the revolution burst out in various parts of Greece and the isles. Circumstances, certainly, were not unfavorable, as one portion of the Turkish army was employed in the war against Ali Pacha, in Albania, and another part in the provinces north of the Danube. The Greeks soon possessed themselves of the open country of the Morea, and drove their enemy into the fortresses. Of these, that of Tripolitza, with the city, fell into the hands of the Greeks in the course of the summer. Having, after these first movements, obtained time to breathe, it became, of course, an early object to establish a government. For this purpose, delegates of the people assembled, under that name which describes the assembly in which we ourselves sit, that name which 'freed the Atlantic,' a *Congress*. A writer who undertakes to render to the civilized world that service which was once performed by Edmund Burke, I mean the compiler of the English Annual Register, asks by what authority this assembly could call itself a congress. Simply, sir, by the same authority by which the people of the United States have given the same

name to their own legislature. We, at least, should be naturally inclined to think, not only as far as names, but things, also, are concerned, that the Greeks could hardly have begun their revolution under better auspices; since they have endeavored to render applicable to themselves the general principles of our form of government, as well as its name. This constitution went into operation at the commencement of the next year. In the mean time, the war with Ali Pacha was ended, he having surrendered, and being afterward assassinated, by an instance of treachery and perfidy which, if it had happened elsewhere than under the government of the Turks, would have deserved notice. The negotiation with Russia, too, took a turn unfavorable to the Greeks. The great point upon which Russia insisted, besides the abandonment of the measure of searching vessels bound to the Black Sea, was, that the Porte should withdraw its armies from the neighborhood of the Russian frontiers; and the immediate consequence of this, when effected, was to add so much more to the disposable force ready to be employed against the Greeks. These events seemed to have left the whole force of the Turkish empire, at the commencement of 1822, in a condition to be employed against the Greek rebellion; and, accordingly, very many anticipated the immediate destruction of their cause. The event, however, was ordered otherwise. Where the greatest effort was made, it was met and defeated. Entering the Morea with an army which seemed capable of bearing down all resistance, the Turks were nevertheless defeated and driven back, and pursued beyond the isthmus, within which, as far as it appears, from that time to the present, they have not been able to set their foot.

"It was in April of this year that the destruction of Scio took place. That island, a sort of appanage of the

Sultana mother, enjoyed many privileges peculiar to itself. In a population of 130,000 or 140,000, it had not more than 2000 or 3000 Turks: indeed, by some accounts, not near as many. The absence of these ruffian masters had in some degree allowed opportunity for the promotion of knowledge, the accumulation of wealth and the general cultivation of society. Here was the seat of modern Greek literature; here were libraries, printing-presses and other establishments, which indicate some advancement in refinement and knowledge. Certain of the inhabitants of Samos, it would seem, envious of this comparative happiness of Scio, landed upon the island in an irregular multitude, for the purpose of compelling its inhabitants to make common cause with their countrymen against their oppressors. These, being joined by the peasantry, marched to the city and drove the Turks into the castle. The Turkish fleet, lately reinforced from Egypt, happened to be in the neighboring seas, and, learning these events, landed a force on the island of fifteen thousand men. There was nothing to resist such an army. These troops immediately entered the city, and began an indiscriminate massacre. The city was fired; and in four days the fire and sword of the Turk rendered the beautiful Scio a clotted mass of blood and ashes. The details are too shocking to be recited. Forty thousand women and children, unhappily saved from the general destruction, were afterward sold in the market of Smyrna, and sent off into distant and hopeless servitude. Even on the wharves of our own cities, it has been said, have been sold the utensils of those hearths which now exist no longer. Of the whole population which I have mentioned, not above nine hundred persons were left living upon the island. I will only repeat, sir, that these tragical scenes were as fully known at the Congress of Verona as they are now known to us; and it is not too much to call

on the powers that constituted that congress, in the name of conscience and in the name of humanity, to tell us if there be nothing even in these unparalleled excesses of Turkish barbarity, to excite a sentiment of compassion; nothing which they regard as so objectionable as even the very idea of popular resistance to power.

"The events of the year which has just passed by, as far as they have become known to us, have been even more favorable to the Greeks than those of the year preceding. I omit all details, as being as well known to others as to myself. Suffice it to say, that with no other enemy to contend with, and no diversion of his force to other objects, the Porte has not been able to carry the war into the Morea, and that, by the last accounts, its armies were acting defensively in Thessaly. I pass over, also, the naval engagements of the Greeks, although that is a mode of warfare in which they are calculated to excel, and in which they have already performed actions of such distinguished skill and bravery as would draw applause upon the best mariners in the world. The present state of the war would seem to be, that the Greeks possess the whole of the Morea, with the exception of the three fortresses of Patras, Coron, and Modon; all Candia, but one fortress; and most of the other islands. They possess the citadel of Athens, Missolonghi, and several other places in Livadia. They have been able to act on the offensive, and to carry the war beyond the isthmus. There is no reason to believe their marine is weakened: probably, on the other hand, it is strengthened. But, what is most of all important, they have obtained time and experience. They have awakened a sympathy throughout Europe and throughout America; and they have formed a government which seems suited to the emergency of their condition.

"Sir, they have done much. It would be great injustice

to compare their achievements with our own. We began our revolution already possessed of government, and, comparatively, of civil liberty. Our ancestors had for centuries been accustomed in a great measure to govern themselves. They were well acquainted with popular elections and legislative assemblies, and the general principles and practice of free governments. They had little else to do than to throw off the paramount authority of the parent state. Enough was still left, both of law and of organization, to conduct society in its accustomed course and to unite men together for a common object. The Greeks, of course, could act with little concert at the beginning: they were unaccustomed to the exercise of power, without experience, with limited knowledge, without aid, and surrounded by nations which, whatever claims the Greeks might seem to have upon them, have afforded them nothing but discouragement and reproach. They have held out, however, for three campaigns; and that, at least, is something. Constantinople and the northern provinces have sent forth thousands of troops: they have been defeated. Tripoli, and Algiers, and Egypt, have contributed their marine contingents: they have not kept the ocean. Hordes of Tartars have crossed the Bosphorus: they have died where the Persians died. The powerful monarchies in the neighborhood have denounced their cause, and admonished them to abandon it and submit to their fate. They have answered them, that, although two hundred thousand of their countrymen have offered up their lives, there yet remain lives to offer; and that it is the determination of *all*, 'yes, of ALL,' to persevere until they shall have established their liberty, or until the power of their oppressors shall have relieved them from the burden of existence.

"It may now be asked, perhaps, whether the expression of our own sympathy, and that of the country, may do

them good. I hope it may. It may give them courage and spirit, it may assure them of public regard, teach them that they are not wholly forgotten by the civilized world, and inspire them with constancy in the pursuit of their great end. At any rate, sir, it appears to me that the measure which I have proposed is due to our own character and called for by our own duty. When we shall have discharged that duty, we may leave the rest to the disposition of Providence.

"I do not see how it can be doubted that this measure is entirely *pacific*. I profess my inability to perceive that it has any possible tendency to involve our neutral relations. If the resolution pass, it is not necessary to be immediately acted on. It will not be acted on at all, unless, in the opinion of the President, a proper and safe occasion for acting upon it shall arise. If we adopt the resolution to-day, our relations with every foreign state will be to-morrow precisely what they now are. The resolution will be sufficient to express our sentiments on the subjects to which I have adverted. Useful to that purpose, it can be mischievous to no purpose. If the topic were properly introduced into the message, it cannot be improperly introduced into discussion in this House. If it were proper—which no one doubts—for the President to express his opinions upon it, it cannot, I think, be improper for us to express ours. The only certain effect of this resolution is to express, in a form usual in bodies constituted like this, our approbation of the general sentiment of the message. Do we wish to withhold that approbation? The resolution confers on the President no new power, nor does it enjoin on him the exercise of any new duty, nor does it hasten him in the discharge of any existing duty.

"I cannot imagine that this resolution can add any thing to those excitements which it has been supposed, I think

very causelessly, might possibly provoke the Turkish Government to acts of hostility. There is already the message, expressing the hope of success to the Greeks and disaster to the Turks, in a much stronger manner than is to be implied from the terms of this resolution. There is the correspondence between the Secretary of State and the Greek agent in London, already made public, in which similar wishes are expressed, and a continuance of the correspondence apparently invited. I might add to this the unexampled burst of feeling which this cause has called forth from all classes of society, and the notorious fact of pecuniary contributions made throughout the country for its aid and advancement. After all this, whoever can see cause of danger to our pacific relations from the adoption of this resolution has a keener vision than I can pretend to. Sir, there is no augmented danger; there is no danger. The question comes at last to this, whether, on a subject of this sort, this House holds an opinion which is worthy to be expressed.

"Even suppose, sir, an agent or commissioner were to be immediately sent,—a measure which I myself believe to be the proper one,—there is no breach of neutrality, nor any just cause of offence. Such an agent, of course, would not be accredited; he would not be a public minister. The object would be inquiry and information,—inquiry which we have a right to make, information which we are interested to possess. If a dismemberment of the Turkish empire be taking place, or has already taken place,—if a new state be rising, or be already risen, in the Mediterranean,—who can doubt that, without any breach of neutrality, we may inform ourselves of these events for the government of our own concerns?

"The Greeks have declared the Turkish coasts in a state of blockade: may we not inform ourselves whether

this blockade be *nominal* or *real?* and, of course, whether it shall be regarded or disregarded? The greater our trade may happen to be with Smyrna, a consideration which seems to have alarmed some gentlemen, the greater is the reason, in my opinion, why we should seek to be accurately informed of those events which may affect its safety.

"It seems to me impossible, therefore, for any reasonable man to imagine that this resolution can expose us to the resentment of the Sublime Porte.

"As little reason is there for fearing its consequences upon the conduct of the Allied Powers. They may, very naturally, dislike our sentiments upon the subject of the Greek revolution; but what those sentiments are they will much more explicitly learn in the President's message than in this resolution. They might, indeed, prefer that we should express no opposition to the doctrines which they have avowed, and the application which they have made of those doctrines to the cause of Greece. But I trust we are not disposed to leave them in any doubt as to our sentiments upon these important subjects. They have expressed their opinions, and do not call that expression of opinion an interference; in which respect they are right, as the expression of opinion in such cases is not such an interference as would justify the Greeks in considering the powers at war with them. For the same reason, any expression which we may make of different principles and different sympathies is no interference. No one would call the President's message an interference; and yet it is much stronger in that respect than this resolution. If either of them could be construed to be an interference, no doubt it would be improper, at least it would be so according to my view of the subject; for the very thing which I have attempted to resist in the course

of these observations is the right of foreign interference. But neither the message nor the resolution has that character. There is not a power in Europe that can suppose that, in expressing our opinions on this occasion, we are governed by any desire of aggrandizing ourselves or ot injuring others. We do no more than to maintain those established principles in which we have an interest in common with other nations, and to resist the introduction of new principles and new rules, calculated to destroy the relative independence of states, and particularly hostile to the whole fabric of our Government.

"I close then, sir, with repeating, that the object of this resolution is to avail ourselves of the interesting occasion of the Greek revolution to make our protest against the doctrines of the Allied Powers, both as they are laid down in principle and as they are applied in practice.

"I think it right, too, sir, not to be unseasonable in the expression of our regard, and, as far as that goes, in evincing our feelings in consonance with a long oppressed and now struggling people. I am not of those who would, in the hour of utmost peril, withhold such encouragement as might be properly and lawfully given, and, when the crisis should be past, overwhelm the rescued sufferer with kindness and caresses. The Greeks address the civilized world with a pathos not easy to be resisted. They invoke our favor by more moving considerations than can well belong to the condition of any other people. They stretch out their arms to the Christian communities of the earth, beseeching them, by a generous recollection of their ancestors, by the consideration of their own desolated and ruined cities and villages, by their wives and children sold into an accursed slavery, by their own blood, which they seem willing to pour out like water, by the common faith and in the name which unites all Christians, that they

would extend to them at least some token of compassionate regard."

Mr. Webster distinguished himself by his opposition in Congress to the tariff of 1824. He condemned it on the ground of expediency; but his resistance and that of the entire Massachusetts delegation was useless; the bill was passed and assumed the authority of law.

In the fall of 1824, Mr. Webster was again elected to represent Boston in the national legislature. His popularity at this time at home may be inferred from the significant and unusual fact that his election may be said to have been almost unanimous. There were five thousand votes polled; and out of that number Mr. Webster obtained all except ten. During the session which ensued, Mr. Webster was Chairman of the Judiciary Committee; and in that capacity he introduced a resolution on the 3d of March, 1825, which revolutionized the criminal jurisprudence of the United States. The old system, established by the act of April, 1790, had been found to be wholly inadequate to the necessities of the case; and contingencies were continually occurring for which no provision had been made. His bill was intended to provide more effectually for the punishment of certain crimes against the United States. After a thorough discussion, it was passed; and its operation has ever since been found to be most beneficial to the interests of the country.

A circumstance worthy of note at this period of Mr. Webster's career was the delivery of his celebrated oration on the laying of the corner-stone of Bunker Hill Monument,—one of the most masterly efforts of eloquence which modern times have produced. The scene on this occasion possessed surpassing interest. The day was bright and the sky propitious. A vast multitude assembled at the appointed hour around the speaker's rostrum, and

covered the memorable mount which had been immortalized by the deadly combat of departed patriots with the fell powers of a foreign despot. A large number of the mili tary mixed with the assemblage; and among them was seen a small but heroic band of veterans, scarred and shattered by the storms of battle, feeble and emaciated by the lapse of years; yet bearing on their dauntless brows the impress of indomitable heroism, and feeling the conscious might of unconquered patriots in their hearts. They were the last surviving remains of those who had fought in Revolutionary battles, forty of whom had been present and had engaged in the conflict on Bunker Hill. As they passed along to the inspiriting sound of martial melody to the scene of their former glory and triumph, in times long since gone by, tears gushed from the eyes of grateful and admiring myriads, and shouts of applause again and again rent the heavens. Among these crowds were seen the bright banners of many societies floating on the breeze; but nobler and more illustrious than them all were the stars and stripes, which were unfurled to the free winds of heaven and decked the scene at every point. Mr. Webster might well have been inspired by such an occasion and by such a spectacle. He delivered his oration from a stage erected on the northern declivity of the hill; while the vast assemblage, covering the surrounding eminences and vales as far as the eye could reach, listened to him in rapt attention; and even those who in the distance were unable to hear his voice were deeply impressed with the imposing and solemn grandeur of the scene.

Mr. Monroe was succeeded as President by John Quincy Adams. In the ballot Mr. Clay had thirty-seven votes, and neither candidate had received the necessary number. Mr. Clay then induced his partisans to give their support to Mr. Adams, by which coalition the latter was elected.

Mr. Clay became Secretary of State; and from this circumstance arose the charge and the suspicion which followed and persecuted the Kentucky Senator even to the grave, that he had sold his influence for the spoils of office. Of this accusation it may safely be asserted that not the slightest evidence for it has ever been produced; and that the origin and the perpetuation of the slander is due more to the inherent meanness and suspiciousness of his calumniators than to any proof which they have ever been able to adduce in support of the suspicion.

During the winter of 1826, Mr. Webster was again Chairman of the Judiciary Committee; and as such he reported a bill for the purpose of reconstructing the Supreme Court of the United States. As originally organized by the act of September, 1789, it had become inadequate to perform the growing multitude of duties which devolved upon it. In November, 1792, the judges had themselves addressed a communication to the President on the subject. In consequence of this appeal, which was submitted to the consideration of Congress, some change had been made in the amount of their labors. Several changes were subsequently made in the supreme judicature of the country; all of which gradually became inadequate to the increasing necessities of the case. Mr. Webster's proposition was intended to meet all present and future exigencies. He proposed that the Supreme Court should consist of a chief-justice and nine associate justices; and that thenceforth there should be regular circuit courts in the several districts of the United States, consisting of a judge of the Supreme Court and a district judge of the district in which the circuit court should be held. The bill finally passed, and became the law of the land, which still operates so benignantly for the judicial interests of

the United States, and would seem to be incapable of further improvement.

During 1826 Mr. Webster distinguished himself by the delivery of an oration on the death of John Adams, ex-President of the United States, who expired on the 4th of July in that year at Quincy. It was the fiftieth anniversary of the Declaration of American Independence. On the same day Mr. Jefferson, the author of the Declaration, paid the same great debt of nature. The coincidence was a most remarkable one; and the oration which he delivered at Boston on the 2d of August, 1826, will always remain one of the most masterly efforts of modern eloquence.

In November, 1826, Mr. Webster was again requested to become a candidate for re-election to the House of Representatives; but a vacancy occurring at this time in the delegation of Massachusetts in the United States Senate, he was elected to that high post by a large majority of the votes of the Legislature of Massachusetts. He therefore took his seat as a Senator in the twentieth Congress, with his fame established, his influence widely extended, and the highest expectations entertained of the position which he would quickly assume among the most gifted and powerful intellects in the land.

Nor was this expectation disappointed. His first speech was delivered upon a bill introduced for the purpose of affording relief to the surviving officers of the Revolution. He delivered a very able oration on this occasion, which at once placed him in the first rank among his Senatorial associates. The manner and spirit which pervaded it may be inferred from the following extract:

"But it is known to be impossible to carry the measure to such an extent as to embrace the militia; and it is plain, too, that the cases are different. The bill, as I have

already said, confines itself to those who served not occasionally, not temporarily, but permanently; who allowed themselves to be counted on as men who were to see the contest through, last as long as it might; and who have made the phrase ''listing during the war' a proverbial expression, signifying unalterable devotion to our cause, through good fortune and ill fortune, till it reached its close. This is a plain distinction; and although, perhaps, I might wish to do more, I see good ground to stop here for the present, if we must stop anywhere. The militia who fought at Concord, at Lexington and at Bunker Hill have been alluded to, in the course of this debate, in terms of well-deserved praise. Be assured, sir, there could with difficulty be found a man who drew his sword or carried his musket at Concord, at Lexington, or at Bunker Hill, who would wish you to reject this bill. They might ask you to do more, but never to refrain from doing this. Would to God they were assembled here, and had the fate of the bill in their own hands! Would to God the question of its passage were to be put to them! They would affirm it with a unity of acclamation that would rend the roof of the Capitol!"

CHAPTER VI.

Webster's Reply to Mr. Hayne—Preliminary Circumstances—Speeches of Mr. Benton—Mr. Hayne's First Speech—His Character and Talents—Mr. Webster's First Speech in Reply—The Second Speech of Mr. Hayne—Its Character—Extract from it—Mr. Webster's Reply—Intense Interest felt on the Occasion—Mr. Webster's Appearance and Manner—The Audience—Qualities of his Great Speech—Its Prodigious Effect and Power.

THE career of Mr. Webster in the United States Senate was one of constantly increasing celebrity; but his fame attained its culmination and its climax by the delivery of his memorable speech in reply to Mr. Hayne of South Carolina, on the 26th of January, 1830. This was the most glorious achievement of this great statesman's career. This oration is the masterpiece of all his performances; and in this respect it resembles the oration of Demosthenes on the Crown, or Burke's speech against Warren Hastings: it was the highest, the most complete, and the most consummate performance of his gigantic faculties. It is probably also the ablest effort of oratory which modern times have produced; and it is therefore proper that we should narrate at some length the circumstances under which it was delivered, and the results which were produced by it.

Andrew Jackson was elected President of the United States in the fall of 1828 by a vast majority, which clearly indicated the great unpopularity into which John Quincy Adams and his administration had fallen. Mr. Calhoun was chosen Vice-President at the same time. The first session of the twenty-first Congress opened in

December, 1829, Mr Calhoun presiding in the Senate The disposal of the public lands at once became a subject of prominent interest to the Federal Representatives; and on the 29th of December Mr. Foote of Connecticut introduced the following resolution in the Senate:

"*Resolved*, That the Committee on Public Lands be instructed to inquire and report the quantity of public lands remaining unsold within each State and Territory, and whether it be expedient to limit for a certain period the sales of public lands to such lands as have heretofore been offered for sale, and are now subject to entry at the *minimum* price. And also, whether the office of Surveyor-General, and some of the landed offices, may not be abolished without detriment to the public service."

To this resolution an amendment was subsequently added to the effect, "whether it be expedient to adopt measures to hasten the sales and extend more rapidly the surveys of the public lands."

During the discussion which ensued upon this resolution, many offensive allusions were made by Southern and Western members, in reference to the policy which had been pursued by other portions of the Confederacy. Several weeks were employed in the discussion. The great difference of principle which seemed to lie at the foundation of the opposition of sentiment which prevailed was, that one party defended national views of the Constitution, and the other maintained the sectional doctrine of State Rights. Mr. Foote, having expounded and defended his resolution briefly, was answered by Mr. Benton in a furious tirade against the New England States, charging them with a premeditated design to encroach upon the interests of the West. The subject was then postponed for further consideration till the 13th of January. Mr. Benton again took part in the debate on the 18th, repeat-

ing his attacks upon New England and her representatives. On the following day Mr. Holmes, of Maine, and several other Northern Senators, replied to the charges of Mr. Benton. These were followed by a speech from Mr. Hayne, of South Carolina, of the same drift and spirit which had been displayed by Mr. Benton.

Mr. Hayne was then one of the younger members of the Senate, and a man of ability. He was a special favorite of Mr. Calhoun, whose entire system of policy and opinion he had adopted and uniformly defended. His manner of speaking was rapid, declamatory, yet not devoid of brilliancy and force. He was deficient in that weight and impressiveness which alone belong to men of greater *calibre;* though, while speaking, few men could exceed him in the hold with which his fluent and graceful declamation retained the attention and thrilled the feelings of an audience. There was also frequently a degree of sarcastic bitterness in his remarks which inflammable natures generally display, and which often leads to more serious consequences than are intended or even anticipated. Mr. Hayne's speech on this occasion was one of his best efforts. On the next day, January 20th, Mr. Webster made a reply to him, which was chiefly of a dry and argumentative character, but serving as a complete reply to the attack on the New England States which the speech of Mr. Hayne contained. He defended the policy which New England had always pursued in reference to the Western and Southern States. In the course of his argument he used the following language:

"And here, sir, at the epoch of 1794, let us pause and survey the scene as it actually existed thirty-five years ago. Let us look back and behold it. Over all that is now Ohio there then stretched one vast wilderness, unbroken except by two small spots of civilized culture, the

one at Marietta and the other at Cincinnati. At these little openings, hardly each a pin's point upon the map, the arm of the frontier-man had levelled the forest and let in the sun. These little patches of earth, themselves almost overshadowed by the boughs of that wilderness which had stood and perpetuated itself, from century to century, ever since the creation, were all that had then been rendered verdant by the hand of man. In an extent of hundreds and thousands of square miles, no other surface of smiling green attested the presence of civilization. The hunter's path crossed mighty rivers, flowing in solitary grandeur, whose sources lay in remote and unknown regions of the wilderness. It struck upon the north on a vast inland sea, over which the wintry tempests raged as on the ocean: all around was bare creation. It was fresh, untouched, unbounded, magnificent wilderness. And, sir, what is it now? Is it imagination only, or can it possibly be fact, that presents such a change as surprises and astonishes us, when we turn our eyes to what Ohio now is? Is it reality, or a dream, that, in so short a period even as thirty-five years, there has sprung up, on the same surface, an independent State with a million of people? A million of inhabitants! an amount of population greater than that of all the cantons of Switzerland; equal to one-third of all the people of the United States when they undertook to accomplish their independence. This new member of the Republic has already left far behind her a majority of the old States. She is now by the side of Virginia and Pennsylvania, and, in point of numbers, will shortly admit no equal but New York herself. If, sir, we may judge of measures by their results, what lessons do these facts read us upon the policy of the Government? What inferences do they authorize upon the general question of kindness or unkindness?"

But Mr. Webster's opponents were neither satisfied nor silenced by his manly and able defence of his constituents. Mr. Benton rose as soon as Mr. Webster took his seat, and again assailed New England with his usual severity and acrimony. Mr. Hayne followed Mr. Benton, and then delivered, on the 25th of January, that great speech which called forth in reply the still greater performance of Mr. Webster. It was like the oration of Æschines against the Crown, which elicited the masterly and unequalled achievement of Demosthenes in answer *for* the Crown.

The purpose of this most labored oration of Mr. Hayne, in the delivery of which he exhausted his utmost abilities, was to set forth a defence of the peculiar doctrine of South Carolina, which claimed the reserved right for any State to nullify the enactments of the general Government whenever in her opinion they were unconstitutional,—so far as her own territorial limits were concerned. He also eulogized the patriotic services of the South in the Revolutionary struggle, and detracted from the magnitude and importance of those which had then been rendered by New England. His speech occupied two hours and a half in the delivery, and was regarded as a splendid effort of parliamentary eloquence. The Southern members were in raptures in consequence of it. Mr. Calhoun, the Vice-President, who occupied the Chair of the Senate during its delivery, was highly gratified, and took no pains to conceal his pleasurable sensations. The representatives from New England seemed to be intimidated and disconcerted by this fierce and bold attack, and to despair of their cause. As this speech of Mr. Hayne is so remarkable in itself, and is so closely connected with the most important incident of Mr. Webster's whole career, we will introduce an extract from it. It will serve to explain

more clearly the singular power of that vast avalanche of argument and declamation which it drew forth from the great champion of New England in reply to it:

"Sir, the Senator from Massachusetts, on that, the proudest day of his life, like a mighty giant, bore away upon his shoulders the pillars of the temple of error and delusion, escaping himself unhurt, and leaving his adversaries overwhelmed in its ruins. Then it was that he erected to free trade a beautiful and enduring monument, and 'inscribed the marble with his name.' Mr. President, it is with pain and regret that I now go forward to the next great era in the political life of that gentleman, when he was found on this floor, supporting, advocating, and finally voting for, the tariff of 1828,—that 'bill of abominations.' By that act, sir, the Senator from Massachusetts has destroyed the labors of his whole life, and given a wound to the cause of free trade never to be healed. Sir, when I recollect the position which that gentleman once occupied, and that which he now holds in public estimation, in relation to this subject, it is not at all surprising that the tariff should be hateful to his ears. Sir, if I had erected to my own fame so proud a monument as that which the gentleman built up in 1824, and I could have been tempted to destroy it with my own hands, I should hate the voice that should ring 'the accursed tariff' in my ears. I doubt not, the gentleman feels very much in relation to the tariff as a certain knight did to '*instinct*,' and, with him, would be disposed to exclaim,—

'Ah! no more of that, Hal, an thou lovest me.'

"But, Mr. President, to be more serious: what are we of the South to think of what we have heard this day? The Senator from Massachusetts tells us that the tariff is not an Eastern measure, and treats it as if the East had

no interest in it. The Senator from Missouri insists it is not a Western measure, and that it has done no good to the West. The South comes in, and, in the most earnest manner, represents to you that this measure, which we are told 'is of no value to the East or the West,' is 'utterly destructive of our interests.' We represent to you that it has spread ruin and devastation through the land, and prostrated our hopes in the dust. We solemnly declare that we believe the system to be wholly unconstitutional, and a violation of the compact between the States and the Union; and our brethren *turn a deaf ear to our complaints*, and refuse to relieve us from a system 'which not enriches them, but makes us poor indeed.' Good God! Mr. President, *has it come to this?* Do gentlemen hold the feelings and wishes of their brethren at so cheap a rate, that they refuse to gratify them at so small a price? Do gentlemen value so lightly the peace and harmony of the country, that they will not yield a measure of this description to the affectionate entreaties and earnest remonstrances of their friends? Do gentlemen estimate the value of the Union at so low a price, that they will not even make one effort to bind the States together with the cords of affection? And has it come to this? Is this the spirit in which this Government is to be administered? If so, let me tell gentlemen, the seeds of dissolution are already sown, and our children will reap the bitter fruit.

"The honorable gentleman from Massachusetts, (Mr. Webster,) while he exonerates me personally from the charge, intimates that there is a party in the country who are looking to disunion. Sir, if the gentleman had stopped there, the accusation would have 'passed by me like the idle wind, which I regard not.' But when he goes on to give to his accusation 'a local habitation and a name,' by quoting the expression of a distinguished citizen of

South Carolina, (Dr. Cooper,) 'that it was time for the South to calculate the value of the Union,' and, in the language of the bitterest sarcasm, adds, 'Surely then the Union cannot last longer than July, 1831,' it is impossible to mistake either the allusion or the object of the gentleman. Now, Mr. President, I call upon every one who hears me to bear witness that this controversy is not of my seeking. The Senate will do me the justice to remember that, at the time this unprovoked and uncalled-for attack was made on the South, not one word had been uttered by me in disparagement of New England; nor had I made the most distant allusion either to the Senator from Massachusetts or the State he represents. But, sir, that gentleman has thought proper, for purposes best known to himself, to strike the South, through me, the most unworthy of her servants. He has crossed the border, he has invaded the State of South Carolina, is making war upon her citizens, and endeavoring to overthrow her principles and her institutions. Sir, when the gentleman provokes me to such a conflict, I meet him at the threshold; I will struggle, while I have life, for our altars and our firesides; and, if God gives me strength, I will drive back the invader discomfited. Nor shall I stop there. If the gentleman provokes the war, he shall have war. Sir, I will not stop at the border; I will carry the war into the enemy's territory, and not consent to lay down my arms until I have obtained 'indemnity for the past and security for the future.' It is with unfeigned reluctance, Mr. President, that I enter upon the performance of this part of my duty; I shrink almost instinctively from a course, however necessary, which may have a tendency to excite sectional feelings and sectional jealousies. But, sir, the task has been forced upon me; and I proceed right onward to the performance of my duty. Be the consequences what they may, the responsibility is

with those who have imposed upon me this necessity. The Senator from Massachusetts has thought proper to cast the first stone; and if he shall find, according to a homely adage, 'that he lives in a glass house,' on his head be the consequences. The gentleman has made a great flourish about his fidelity to Massachusetts. I shall make no professions of zeal for the interests and honor of South Carolina: of that my constituents shall judge. If there be one State in the Union, Mr. President, (and I say it not in a boastful spirit,) that may challenge comparison with any other, for a uniform, zealous, ardent, and uncalculating devotion to the Union, that State is South Carolina. Sir, from the very commencement of the Revolution up to this hour, there is no sacrifice, however great, she has not cheerfully made, no service she has ever hesitated to perform. She has adhered to you in your prosperity; but in your adversity she has clung to you with more than filial affection. No matter what was the condition of her domestic affairs, though deprived of her resources, divided by parties, or surrounded with difficulties, the call of the country has been to her as the voice of God. Domestic discord ceased at the sound; every man became at once reconciled to his brethren, and the sons of Carolina were all seen crowding together to the temple, bringing their gifts to the altar of their common country.

"What, sir, was the conduct of the South during the Revolution? Sir, I honor New England for her conduct in that glorious struggle. But great as is the praise which belongs to her, I think, at least, equal honor is due to the South. They espoused the quarrel of their brethren with a generous zeal, which did not suffer them to stop to calculate their interest in the dispute. Favorites of the mother-country, possessed of neither ships nor seamen to create a commercial rivalship, they might have found in

their situation a guaranty that their trade would be forever fostered and protected by Great Britain. But, trampling on all considerations either of interest or of safety, they rushed into the conflict, and, fighting for principle, perilled all, in the sacred cause of freedom. Never was there exhibited in the history of the world higher examples of noble daring, dreadful suffering, and heroic endurance, than by the Whigs of Carolina during the Revolution. The whole State, from the mountains to the sea, was overrun by an overwhelming force of the enemy. The fruits of industry perished on the spot where they were produced, or were consumed by the foe. The 'plains of Carolina' drank up the most precious blood of her citizens. Black and smoking ruins marked the places which had been the habitations of her children. Driven from their homes into the gloomy and almost impenetrable swamps, even there the spirit of liberty survived, and South Carolina (sustained by the example of her Sumpters and her Marions) proved, by her conduct, that though her soil might be overrun, the spirit of her people was invincible.

"But, sir, our country was soon called upon to engage in another revolutionary struggle, and that too, was a struggle for principle. I mean the political revolution which dates back to '98, and which, if it had not been successfully achieved, would have left us none of the fruits of the Revolution of '76. The Revolution of '98 restored the Constitution, rescued the liberty of the citizen from the grasp of those who were aiming at its life, and, in the emphatic language of Mr. Jefferson, 'saved the Constitution at its last gasp.' And by whom was it achieved? By the South, sir, aided only by the Democracy of the North and West.

"I come now to the war of 1812,—a war which, I well remember, was called in derision (while its event was

doubtful) the Southern War, and sometimes the Carolina War; but which is now universally acknowledged to have done more for the honor and prosperity of the country than all other events in our history put together. What, sir, were the objects of that war? 'Free trade and sailors' rights!' It was for the protection of Northern shipping and New England seamen that the country flew to arms. What interest had the South in that contest? If they had sat down coldly to calculate the value of their interests involved in it, they would have found that they had every thing to lose, and nothing to gain. But, sir, with that generous devotion to country so characteristic of the South, they only asked if the rights of any portion of their fellow-citizens had been invaded; and when told that Northern ships and New England seamen had been arrested on the common highway of nations, they felt that the honor of their country was assailed; and acting on that exalted sentiment 'which feels a stain like a wound,' they resolved to seek, in open war, for a redress of those injuries which it did not become freemen to endure. Sir, the whole South, animated as by a common impulse, cordially united in declaring and promoting that war. South Carolina sent to your councils, as the advocates and supporters of that war, the noblest of her sons. How they fulfilled that trust let a grateful country tell. Not a measure was adopted, not a battle fought, not a victory won, which contributed in any degree to the success of that war, to which Southern counsels and Southern valor did not largely contribute. Sir, since South Carolina is assailed, I must be suffered to speak it to her praise, that at the very moment when, in one quarter, we heard it solemnly proclaimed, 'that it did not become a religious and moral people to rejoice at the victories of our army or our navy,' her Legislature unanimously

"'*Resolved*, That we will cordially support the Government in the vigorous prosecution of the war, until a peace can be obtained on honorable terms, and we will cheerfully submit to every privation that may be required of us, by our Government, for the accomplishment of this object.'

"South Carolina redeemed that pledge. She threw open her treasury to the Government. She put at the absolute disposal of the officers of the United States all that she possessed,—her men, her money, and her arms. She appropriated half a million of dollars, on her own account, in defence of her maritime frontier, ordered a brigade of State troops to be raised, and, when left to protect herself by her own means, never suffered the enemy to touch her soil, without being instantly driven off or captured.

"Such, sir, was the conduct of the South—such the conduct of my own State—in that dark hour 'which tried men's souls.'

"When I look back and contemplate the spectacle exhibited at that time in another quarter of the Union,—when I think of the conduct of certain portions of New England, and remember the part which was acted on that memorable occasion by the political associates of the gentleman from Massachusetts,—nay, when I follow that gentleman into the councils of the nation, and listen to his voice during the darkest period of the war,—I am indeed astonished that he should venture to touch upon the topics which he has introduced into this debate. South Carolina reproached by Massachusetts! And from whom does the accusation come? Not from the Democracy of New England; for they have been in times past, as they are now, the friends and allies of the South. No, sir: the accusation comes from that party whose acts, during the most trying and eventful period of our national history, were of

such a character that their own Legislature, but a few years ago, actually blotted them out from their records, as a stain upon the honor of the country. But how can they ever be blotted out from the recollection of any one who had a heart to feel, a mind to comprehend, and a memory to retain, the events of that day? Sir, I shall not attempt to write the history of the party in New England to which I have alluded,—the war-party in peace, and the peace-party in war. That task I shall leave to some future biographer of Nathan Dane; and I doubt not it will be found quite easy to prove that the peace-party of Massachusetts were the only defenders of their country during their war, and actually achieved all our victories by land and sea. In the mean time, sir, and until that history shall be written, I propose, with the feeble and glimmering lights which I possess, to review the conduct of this party, in connection with the war and the events which immediately preceded it.

"It will be recollected, sir, that our great causes of quarrel with Great Britain were her depredations on Northern commerce, and the impressment of New England seamen. From every quarter we were called upon for protection. Importunate as the West is now represented to be on another subject, the importunity of the East on that occasion was far greater. I hold in my hands the evidence of the fact. Here are petitions, memorials, and remonstrances from all parts of New England, setting forth the injustice, the oppressions, the depredations, the insults, the outrages, committed by Great Britain against the unoffending commerce and seamen of New England, and calling upon Congress for redress. Sir, I cannot stop to read these memorials. In that from Boston, after stating the alarming and extensive condemnation of our vessels by Great Britain, which threatened 'to sweep our commerce

from the face of the ocean,' and 'to involve our merchants in bankruptcy,' they call upon the Government 'to assert our rights, and to adopt such measures as will support the dignity and honor of the United States.'

"From Salem we heard a language still more decisive: they call explicitly for 'an appeal to arms,' and pledge their lives and property in support of any measures which Congress might adopt. From Newburyport an appeal was made 'to the firmness and justice of the Government to obtain compensation and protection.' It was here, I think, that, when the war was declared, it was resolved 'to resist our own Government even unto blood.' (Olive-Branch, p. 101.)

"In other quarters the common language of that day was, that our commerce and our seamen were entitled to protection, and that it was the duty of the Government to afford it at every hazard. The conduct of Great Britain, we were then told, was 'an outrage upon our national independence.' These clamors, which commenced as early as January, 1806, were continued up to 1812. In a message from the Governor of one of the New England States, as late as the 10th October, 1811, this language is held: 'A manly and decisive course has become indispensable; a course to satisfy foreign nations that, while we desire peace, we have the means and the spirit to repel aggression. We are false to ourselves when our commerce, or our territory, is invaded with impunity.'

"About this time, however, a remarkable change was observable in the tone and temper of those who had been endeavoring to force the country into a war. The language of complaint was changed into that of insult, and calls for protection converted into reproaches. 'Smoke! smoke!' says one writer: 'my life on it, our executive have no more idea of declaring war than my grandmother.'

'The committee of ways and means,' says another, 'have come out with their Pandora's box of taxes; and yet nobody dreams of war.' 'Congress do not mean to declare war: they dare not.' But why multiply examples? An honorable member of the other house, from the city of Boston, [Mr. Quincy,] in a speech delivered on the 3d of April, 1812, says, 'Neither promises, nor threats, nor asseverations, nor oaths, will make me believe that you will go to war. The navigation States are sacrificed, and the spirit and character of the country prostrated by fear and avarice.' 'You cannot,' said the same gentleman, on another occasion, 'be kicked into a war.'

"Well, sir, the war at length came; and what did we behold? The very men who had been for six years clamorous for war, and for whose protection it was waged, became at once equally clamorous against it. They had received a miraculous visitation; a new light suddenly beamed upon their minds; the scales fell from their eyes, and it was discovered that the war was declared from 'subserviency to France;' and that Congress, and the executive, 'had sold themselves to Napoleon;' that Great Britain had, in fact, 'done us no essential injury;' that she was 'the bulwark of our religion;' that where 'she took one of our ships she protected twenty;' and that, if Great Britain had impressed a few of our seamen, it was because 'she could not distinguish them from her own.' And so far did this spirit extend, that a committee of the Massachusetts Legislature actually fell to calculation, and discovered, to their infinite satisfaction, but to the astonishment of all the world besides, that only eleven Massachusetts sailors had ever been impressed. Never shall I forget the appeals that had been made to the sympathies of the South in behalf of the 'thousands of impressed Americans' who had been torn from their families and

friends, and 'immured in the floating dungeons of Britain.' The most touching pictures were drawn of the hard condition of the American sailor, 'treated like a slave,' forced to fight the battles of his enemy, 'lashed to the mast, to be shot at like a dog.' But, sir, the very moment we had taken up arms in their defence, it was discovered that all these were mere 'fictions of the brain,' and that the whole number in the State of Massachusetts was but eleven; and that even these had been 'taken by mistake.' Wonderful discovery! The Secretary of State had collected authentic lists of no less than six thousand impressed Americans. Lord Castlereagh himself acknowledged sixteen hundred. Calculations on the basis of the number found on board of the Guerriere, the Macedonian, the Java, and other British ships, (captured by the skill and gallantry of those heroes whose achievements are the treasured monuments of their country's glory,) fixed the number at seven thousand; and yet, it seems, Massachusetts had lost but eleven! Eleven Massachusetts sailors taken by mistake! A cause of war, indeed! Their ships, too, the capture of which had threatened 'universal bankruptcy,'—it was discovered that Great Britain was their friend and protector: 'where she had taken one she had protected twenty.' Then was the discovery made that subserviency to France, a hostility to commerce, 'a determination, on the part of the South and West, to break down the Eastern States,' and especially (as reported by a committee of the Massachusetts Legislature) 'to force the sons of commerce to populate the wilderness,' were the true causes of the war. (Olive-Branch, pp. 134, 291.) But let us look a little further into the conduct of the peace-party of New England at that important crisis. Whatever difference of opinion might have existed as to the causes of the war, the country had a right to expect that, when

once involved in the contest, all America would have cordially united in its support. Sir, the war effected, in its progress, a union of all parties at the South. But not so in New England: there great efforts were made to stir up the minds of the people to oppose it. Nothing was left undone to embarrass the financial operations of the Government, to prevent the enlistment of troops, to keep back the men and money of New England from the service of the Union, to force the President from his seat. Yes, sir, 'the island of Elba, or a halter!' were the alternatives they presented to the excellent and venerable James Madison. Sir, the war was further opposed by carrying on illicit trade with the enemy, by permitting that enemy to establish herself on the very soil of Massachusetts, and by opening a free trade between Great Britain and America, with a separate custom-house."

To this speech of Mr. Hayne, Mr. Webster rose to reply in the Senate, on Tuesday, January 26th 1830. The expectation of the public had been elevated to the highest possible pitch. Some of the friends of Mr. Hayne were enthusiastic in their hopes; others were more wisely desponding. Mr. Iredell, one of these, a Senator from South Carolina, remarked, speaking of Mr. Hayne, "He has started the lion; but wait till we hear him roar and feel his claws." Mr. Webster's friends were hopeful and confident of the issue; and he himself exhibited that calm and serene manner which he generally displayed, that *mens æqua in arduis* which uniformly characterizes true greatness. He was heard by a friend to laugh to himself after returning home at the conclusion of Mr. Hayne's speech; and being asked the subject of his mirth, he replied that he was then thinking of the admirable way in which Colonel Hayne's quotation about Banquo's ghost could be turned against himself. On the morning of the

next day the House of Representatives was deserted. Nearly all the members hastened to the Senate-chamber as spectators of the imposing scene which was anticipated. Every portion of the apartment was densely packed at an early hour. The *élite* of metropolitan fashion, the chief heads of the nation, all that was mosti illustrious in arts, arms and beauty in the Federal capital, had crowded into that chamber, and served by their personal appearance, by the splendor of their dresses and uniforms, and by their immense numbers, to increase the grandeur of that imposing presence. There were the representatives of many different States, some from the farthest limits of this vast continent,—from Maine, from California, and from Texas; together with strangers and diplomatic agents from remote quarters of the globe, assembled to hear the greatest effort of the ablest master of debate in modern times. The place itself was illustrious and solemn; for it was the central spot of the whole earth for high and grave discussion in reference to human freedom; and it had been hallowed by the labors and the eloquence of the fathers and heroes of the Republic. The occasion was momentous and thrilling; for it was one on which the Southern portion of the Confederacy had attacked the Northern by her favorite champion; and when the latter was to stand forth to defend herself in the person of her most gifted son. A vast crowd, who could not possibly gain admittance to the closely-crowded interior of the Senate-chamber, filled all the surrounding halls, avenues, and passages where the orator's voice could be heard.

At length Mr. Webster succeeded in reaching his seat; and the order of business having been announced, he rose to speak. His appearance at that time was very remarkable. He was then in the prime and fulness of his ma-

jestic manhood. A nobler specimen of a man, both intellectually and physically, never existed on this earth. His person was tall and well proportioned. His features were large and expressive. His hair, black as the raven's wing, lay around his massive and dome-like forehead in ample folds. His dark and deeply-set eyes seemed to be kindled by the glowing ardor of thought, and glittered beneath his heavy brows like two fiery orbs gleaming at night from the darkness of a sepulchre. He wore a blue coat, a buff vest, and a white cravat,—the lingering remains of the antique taste which prevailed in the Revolutionary era. He arose calmly, yet with evident confidence, and commenced his oration by a pleasing allusion to a mariner, tossed upon the angry and turbulent waves, who desires to be assured of his reckoning; and he therefore, being similarly situated, called for the reading of the resolution which was then under discussion. The resolution being read, the orator addressed himself to the task before him, and commenced that wondrous burst of eloquence — argumentative, indignant, combative, and patriotic—which has become memorable in the history of American legislation. He examined and confuted every position advanced by Mr. Hayne. He crushed every bone in his forensic body. He wrested every weapon from his hand, and then broke them over his opponent's shoulders. As may readily be supposed, the whole audience were amazed, entranced, and delighted by the power of the orator. The silence of the grave pervaded the chamber and its vicinity, interrupted only by the solemn roll and the sonorous swell of his voice, as it resounded in deep yet melodious cadence, like waves upon the shore of the sea, throughout the Capitol. The audience gradually exhibited intense emotion. A small group of Massachusetts men, who were gathered in one corner of a gallery, overawed by the triumphant majesty

of the scene, burst into unbidden tears when their commonwealth's orator paid his just tribute of praise to their native State. The Southern Senators scowled with black and yet futile defiance, when their sectional views were receiving such a castigation as they never before or since experienced. While he lashed Mr. Hayne personally for his dangerous principles and his factious tendencies, while he spoke derisively of Banquo's ghost and of other offensive topics, no human face ever wore so withering and relentless an expression of scorn; when he referred to the glorious Union of the States, bright gleams of joy and pride illumined his features; and a halo of intellectual glory seemed to surround his whole person while he dwelt upon the history, the services, and the patriotism of old Massachusetts. During a portion of the time employed in the delivery of the speech, Mr. Hayne was prancing to and fro, like a chafed and chastised tiger, in the rear of his seat; in vain endeavoring to evade the destructive shafts aimed at him by this modern Apollo,—in this case verily the "god of the unerring bow."

At length, after speaking more than three hours, Mr. Webster concluded with one of his most famous and effective perorations. The majestic and musical tones of the orator seemed to vibrate in the ears of the audience even after he sat down; and they appeared to be in a trance. The feeling which prevailed was too intense and profound for expression. The stillness of the grave ensued after the speech was ended; not a movement was made, or a sound uttered, by the vast assembly. No more touching tribute could have been rendered in such a place to the masterly power of the orator. The silence at length became painful; and the hostile president of the Senate, Mr. Calhoun, broke the spell by calling loudly for "Order! order!" when not the slightest disorder had been heard!

CHAPTER VII.

Death of Mrs. Webster—Mr. Webster's Second Marriage—The Celebrated Case of John Francis Knapp—Circumstances of the Case—Revelations of Hatch—Of Palmer—Crowninshield arrested—The Two Knapps—Confession of Joseph Knapp—Trial of Francis and Joseph Knapp—The Result—Mr. Choate's Narrative—Mr. Webster's Ability as a Criminal Lawyer—The Variety of his Talents.

In the year 1827 Mr. Webster endured a severe domestic affliction in the death of his wife. This event occurred at New York, while she and her husband were on their way to Washington. It was the heaviest blow which he ever received; for the attachment which existed between them was of the most tender nature. From his youth he had loved the fair and amiable Grace Fletcher with all the intensity of his nature. She had watched his rising fame with pride and joy. She had been one of the most devoted and affectionate of women; and her loss was to him irreparable. It may truly be said that, after her death, the moral and social tendencies of Mr. Webster underwent a change which probably never would have occurred had she continued to live.*

In August, 1830, Mr. Webster delivered his famous argument in the trial of John Francis Knapp for the murder of Joseph White, of Salem. This was his masterpiece in the department of criminal law; and the case was one of intense interest. Joseph White, a wealthy mer-

* In 1830 Mr. Webster married Miss Caroline Le Roy, daughter of Herman Le Roy, of the city of New York, who survived him.

chant of Salem, was found murdered in his bed on the 7th of April, 1830. He was eighty-two years of age. His servant was the first to discover the deed and to proclaim it to the astonished citizens. Thirteen stabs were found upon the body, made by a sharp dagger; and a heavy blow had been given upon the left temple, by which the skull was fractured. No valuables had been stolen from the house, though gold coin and silver plate were in the apartment of the deceased. The murder was perpetrated at night, by an unknown assassin, in one of the most densely-crowded portions of Salem.

Never had a more profound and terrible mystery occurred in the annals of crime than was presented by the circumstances of this case. Not the slightest indication could be detected, for several weeks, which threw any light upon the horrid enigma. At length the public learned that a person who was then in prison at New Bedford, seventy miles from Salem, had asserted that he could make important revelations in reference to it. His name was Hatch; and he eventually deposed that the real murderer of Mr. White was a former associate of his at Salem, named Richard Crowninshield, Jr., a young man of bad reputation, bold, adroit, unprincipled, and capable of the most heinous crimes. Another witness afterward came forward, named Palmer, a resident of Belfast in Maine, who acknowledged that he had been acquainted with Crowninshield, and had learned from him his intention to assassinate Mr. White, as well as the connection of Crowninshield with Joseph J. Knapp, Jr., and John Francis Knapp, near relatives of the deceased, who hoped, by first destroying the will of Mr. White and then his life, to become heirs at law of his immense estate. The two Knapps, thus implicated by two witnesses in this awful crime, were young shipmasters in Salem, who had hitherto borne excellent characters. They

were immediately arrested. J. J. Knapp, Jr. made a full confession, on the third day of his imprisonment, to the effect that he had projected the murder; that he had communicated his project to his brother, John Francis; that Francis had agreed to employ an assassin; that Francis had subsequently engaged Crowninshield to murder Mr. White, for which he was to receive a thousand dollars; that Joseph Knapp had promised to unbar a window at night in the abode of their victim, and thus facilitate the operations of the assassin; that he had actually abstracted Mr. White's will, and opened the shutters of a window in their victim's house, as agreed upon; and that Crowninshield had finally entered the mansion, proceeded to Mr. White's chamber, and had murdered him while asleep by a heavy blow upon the head and thirteen stabs upon the body.

Crowninshield was not aware of the revelations which had been made by Joseph Knapp, and maintained a stoical indifference of manner, which seemed to indicate his innocence; but as soon as he heard of Knapp's arrest his behaviour changed, and indicated the utmost anxiety. The subsequent incidents connected with this memorable case can be best narrated by an eye-witness of the thrilling scenes connected with it:

"Palmer was brought to Salem in irons on the 3d of June, and committed to prison. Crowninshield saw him taken from the carriage. He was put in the cell directly under that in which Crowninshield was kept. Several members of the committee entered Palmer's cell to talk with him: while they were talking, they heard a loud whistle, and, on looking up, saw that Crowninshield had picked away the mortar from the crevice between the blocks of the granite floor of his cell. After the loud whistle, he cried out, 'Palmer! Palmer!' and soon let down a string, to which were tied a pencil and a slip of

paper. Two lines of poetry were written on the paper, in order that, if Palmer was really there, he would make it known by capping the verses. Palmer shrunk away into a corner, and was soon transferred to another cell. He seemed to stand in awe of Crowninshield.

"On the 12th of June, a quantity of stolen goods was found concealed in the barn of Crowninshield, in consequence of information from Palmer.

"Crowninshield, thus finding the proofs of his guilt and depravity thicken, on the 15th of June committed suicide by hanging himself to the bars of his cell with a handkerchief. He left letters to his father and brother, expressing in general terms the viciousness of his life and the hopelessness of escape from punishment. When his associates in guilt heard his fate, they said it was not unexpected by them, for they had often heard him say he would never live to submit to an ignominious punishment.

"A special term of the Supreme Court was held at Salem on the 20th of July, for the trial of the prisoners charged with the murder: it continued in session till the 20th of August, with a few days' intermission. An indictment for the murder was found against John Francis Knapp, as principal, and Joseph J. Knapp, Jr., and George Crowninshield, as accessories. Selman and Chase were discharged by the attorney-general.

"The principal, John Francis Knapp, was first put on trial. As the law then stood, an accessory in a murder could not be tried until a principal had been convicted. He was defended by Messrs. Franklin Dexter and William H. Gardiner, advocates of high reputation for ability and eloquence. The trial was long and arduous, and the witnesses numerous. His brother Joseph, who had made a full confession, on the Government's promise of impunity if he would in good faith testify the truth, was brought

into court, called to the stand as a witness, but declined to testify. To convict the prisoner, it was necessary for the Government to prove that he was *present*, actually or constructively, as an aider or abettor in the murder. The evidence was strong that there was a conspiracy to commit the murder, that the prisoner was one of the conspirators, that at the time of the murder he was in Brown Street at the rear of Mr. White's garden, and the jury were satisfied that he was in that place to aid and abet in the murder, ready to afford assistance if necessary. He was convicted.

"Joseph J. Knapp, Jr., was afterward tried as an accessory before the fact, and convicted.

"George Crowninshield proved an *alibi*, and was discharged.

"The execution of John Francis Knapp and Joseph J. Knapp, Jr., closed the tragedy.

"If Joseph, after turning state's evidence, had not changed his mind, neither he nor his brother, nor any of the conspirators, could have been convicted; if he had testified, and disclosed the whole truth, it would have appeared that John Francis Knapp was in Brown Street, not to render assistance to the assassin; but that Crowninshield, when he started to commit the murder, requested Frank to go home and go to bed; that Frank did go home, retired to bed, soon after arose, secretly left his father's house, and hastened to Brown Street, to await the coming out of the assassin, in order to learn whether the deed was accomplished, and all the particulars. If Frank had not been convicted as principal, none of the accessories could by law have been convicted. Joseph would not have been even tried; for the Government stipulated that if he would be a witness for the State he should go clear.

"The whole history of this occurrence is of romantic

interest. The murder itself, the *corpus delicti*, was strange,—planned with deliberation and sagacity, and executed with firmness and vigor. While conjecture was baffled in ascertaining either the motive or the perpetrator, it was certain that the assassin had acted upon design, and not at random. He must have had knowledge of the house; for the window had been unfastened from within. He had entered stealthily, threaded his way in silence through the apartments, corridors and staircases, and coolly given the mortal blow. To make assurance doubly sure, he inflicted many fatal stabs, 'the least a death to nature,' and stayed not his hand till he had deliberately felt the pulse of his victim, to make certain that life was extinct.

"It was strange that Crowninshield, the real assassin, should have been indicted and arrested on the testimony of Hatch, who was himself in prison, in a distant part of the State, at the time of the murder, and had no actual knowledge on the subject.

"It was very strange that J. J. Knapp, Jr., should have been the instrument of bringing to light the mystery of the whole murderous conspiracy; for when he received from the hand of his father the threatening letter of Palmer, consciousness of guilt so confounded his faculties, that, instead of destroying it, he stupidly handed it back, and requested his father to deliver it to the committee of vigilance.

"It was strange that the murder should have been committed on a mistake in law. Joseph, some time previous to the murder, had made inquiry how Mr. White's estate would be distributed in case he died without a will, and had been erroneously told that Mrs. Beckford, his mother-in-law, the sole issue and representative of a deceased sister of Mr. White, would inherit half of the estate, and

that the four children and representatives of a deceased brother of Mr. White, of whom the Hon. Stephen White was one, would inherit the other half. Joseph had privately read the will, and knew that Mr. White had bequeathed to Mrs. Beckford much less than half.

"It was strange that the murder should have been committed on a mistake in fact also. Joseph furtively abstracted a will, and expected Mr. White would die intestate; but after the decease, *the* will, the *last* will, was found by his heirs in its proper place; and it could never have been known or conjectured, without the aid of Joseph's confession, that he had made either of those blunders.

"Finally, it was a strange fact that Knapp should, on the night following the murder, have watched with the mangled corpse, and at the funeral followed the hearse as one of the chief mourners, without betraying on either occasion the slightest emotion which could awaken a suspicion of his guilt."

Mr. Webster was employed to prosecute the defendant, Knapp, by the relatives of the deceased. Among the audience was the Hon. Rufus Choate, himself second only to Mr. Webster among the great advocates of New England, and after his death the *facile princeps* of a body of able men who justly esteem him as the most eminent of their number. He has described Mr. Webster's achievement on this occasion in the following graphic language, after referring to other instances of his legal ability:

"One such I stood in a relation to witness with a comparatively easy curiosity, and yet with intimate and professional knowledge of all the embarrassments of the case. It was the trial of John Francis Knapp, charged with being present, aiding, and abetting in the murder of Joseph White, in which Mr. Webster conducted the prosecution for the commonwealth; in the same year with his

reply to Mr. Hayne in the Senate, and a few months later, and when I bring to mind the incidents of that trial: the necessity of proving that the prisoner was near enough to the chamber in which the murder was being committed by another hand to aid in the act, and was there with the intention to do so, and thus in point of law did aid in it,—because mere accessorial guilt was not enough to convict him; the difficulty of proving this—because the nearest point to which the evidence could trace him was still so distant as to warrant a pretty formidable doubt whether mere curiosity had not carried him thither; and whether he could in any useful or even conceivable manner have co-operated with the actual murderer, if he had intended to do so; and because the only mode of rendering it probable that he was there with a purpose of guilt was by showing that he was one of the parties to a conspiracy of murder, whose very existence, actors and objects had to be made out by the collation of the widest possible range of circumstances—some of them pretty loose—and even if he was a conspirator, it did not quite necessarily follow that any active participation was assigned to him for his part, any more than to his brother, who, confessedly, took no such part—the great number of witnesses to be examined and cross-examined, a duty devolving wholly on him; the quick and sound judgment demanded and supplied to determine what to use and what to reject of a mass of rather unmanageable materials; the points in the law of evidence to be argued,—in the course of which he made an appeal to the bench on the complete impunity which the rejection of the prisoner's confession would give to the murder in a style of dignity and energy, I should rather say of grandeur, which I never heard him equal, before or after; the high ability and fidelity with which every part of the

defence was conducted; and the great final summing up, to which he brought, and in which he needed, the utmost exertion of every faculty he possessed, to persuade the jury that the obligation of that *duty*, the sense of which, he said, 'pursued us ever: it is omnipresent like the Deity: if we take the wings of the morning and dwell in the uttermost parts of the sea, duty performed, or duty violated, is still with us for our happiness or misery'—to persuade them that this obligation demanded that on his proofs they should convict the prisoner; to which he brought first the profound belief of his guilt, without which he could not have prosecuted him; then skill consummate in inspiring them with a desire or a willingness to be instrumental in detecting that guilt, and to lean on him in the effort to detect it; then every resource of professional ability to break the force of the propositions of the defence, and to establish the truth of his own: inferring a conspiracy to which the prisoner was a party, from circumstances acutely ridiculed, by the able counsel opposing him, as 'stuff,' but woven by him into strong and uniform tissue; and then bridging over from the conspiracy to the not very necessary inference that the particular conspirator on trial was at his post, in execution of it, to aid and abet—the picture of the murder with which he had begun—not for rhetorical display, but to inspire solemnity, and horror, and a desire to detect and punish for justice and for security; the sublime exhortation to duty with which he closed—resting on the universality and authoritativeness and eternity of its obligation—which left in every juror's mind the impression that it was the duty of convicting in this particular case, the sense of which would be with him in the hour of death, and in the judgment, and forever—with these recollections of that trial, I cannot help thinking it a more difficult and

higher effort of mind than that more famous oration for the Crown."

From Mr. Webster's forensic ability, as exhibited in this remarkable trial, the reader may form some adequate conception of the variety and diversity of his talents. It mattered not whether it were in the Senate-chamber, among the leading statesmen of a great nation, or in the popular assembly, where a stormy multitude were to be addressed by moving and declamatory appeals, or in the courts of civil justice, where recondite learning and dry, profound, abstract principles were to be discussed before calm and deliberate judges, or in the criminal tribunal, where a thorough knowledge of human nature, skilful management and consummate oratory were required in order to secure success;—in all these varied and almost incompatible arenas of intellectual power, Mr. Webster appeared uniformly as the most gifted of men, the most gigantic in his mental proportions, and the most triumphant in his exercise and display of them.

CHAPTER VIII.

Accession of General Jackson to the Presidency—Mr. Van Buren Rejected as Minister to England—Mr. Webster supports the Renewal of the Charter of the U.S. Bank—Removal of the Deposits—Disastrous Consequences—Mr. Webster's Speeches on the Subject—Nullification in South Carolina—Mr. Webster's Celebrated Speech thereon—The Action of the President and of Congress—Accession of Van Buren to the Presidency—The Sub-Treasury Scheme—Mr. Webster's Opposition to it—Abolition of Slavery in the District of Columbia.

THE election of Andrew Jackson to the Presidency in 1828 opened a more turbulent era in the history of the politics and government of the country. Upon the peculiar qualities of the inflexible hero of New Orleans it is not necessary for us here to dwell. Even Mr. Calhoun, who had been conciliated by the important office of Vice-President, soon found the yoke of the Presidential tyrant too heavy, and became restive under it. At the commencement of his administration, General Jackson endeavored also to conciliate Mr. Webster, being well aware of the vast power which he possessed as the ablest member of the Senate; and he treated him with the most marked and significant courtesy. But Mr. Webster was not to be bought by the utmost blandishments of those who might be in the possession of power; and accordingly, when Mr. Van Buren, the special favorite of the President, was by him appointed Minister to England, Mr. Webster opposed his confirmation in the most emphatic and energetic terms. The wrath of the incensed President was poured out upon the head of the offending

statesman in overwhelming torrents, but it availed not. Mr. Webster's reasons for the policy which he pursued were quite satisfactory; the chief of which was, that Mr. Van Buren, when Secretary of State, had instructed Mr McClean, his predecessor, to make a distinction between his country and his party; to give the latter the pre-eminence in his relations with foreign powers; to convince the English Government that their own interests required that they should aid in maintaining the ascendency of that party; and thus to make ignoble and despicable concessions to Great Britain. These reasons for opposing the confirmation of Mr. Van Buren Mr. Webster openly and fearlessly avowed in the Senate. Even Mr. Calhoun coincided with him; and the supple nominee of the President was successfully resisted, and eventually recalled.

In May, 1832, Mr. Webster made an important speech in the Senate in favor of the bill which had been introduced by Mr. Dallas for the renewal of the charter of the United States Bank; and he stated clearly and conclusively the reasons why he supported an institution in this case which he had formerly so bitterly opposed. It was because the principles upon which the two institutions were to be founded were totally different and antagonistic. The bank which he defended Jackson and Calhoun had themselves formerly opposed; and the reason for their change of policy was the same,—a fundamental difference in the nature of the several institutions. The charter of the bank was renewed in spite of the veto of the President; and its operation was found to be in the highest degree beneficial. But the foiled Executive had in reserve an expedient by which he still determined to crush "the monster," and thus indirectly attain the result in which he had been ignominiously defeated. This expedient was the removal of the deposits of the moneys of the Govern-

ment from the vaults of the general bank and their distribution among certain favorite State banks. The charter of the bank itself provided that the public moneys should be deposited therein, subject to removal by the Secretary of the Treasury, on grounds which were to be submitted to Congress. In 1832, Congress had adopted a resolution to the effect that, in their judgment, the deposits were secure while in the custody of the bank. But this recommendation availed nothing with the President; and he proceeded to execute his purpose. The Secretary of the Treasury then in office, Mr. McClean, declined to make the order necessary for the legal transfer. He was at once removed, and Mr. Duane, of Philadelphia, was appointed to fill his place and perform his functions. That enlightened statesman readily perceived the appalling consequences which would ensue from the execution of the measure, and declined to accede to the demand of the President. He was also unceremoniously dismissed, and Mr. Taney, subsequently the Chief-Justice of the United States, became his substitute. This gentleman had no scruples in reference to the measure. The deposits of the Government funds were then withdrawn from the capacious maw of the monster. Immediately those terrible results ensued which every intelligent and impartial observer had anticipated. So vast and sudden a demand being made upon the bank, it was compelled to collect all its claims and resources from the smaller banks throughout the country with equal precipitancy; the latter were constrained to be equally peremptory and stringent with their numerous customers and debtors; and thus the fatal blow was felt throughout every rank and class in the nation; for it was impossible to meet so many requisitions upon so slight a notice. Repudiation ensued, from the highest to the lowest, and universal bankruptcy threatened the

nation. Great as were the social and commercial disasters which then threw so dark a pall of gloom over the whole Confederacy, it may be a matter of reasonable and just surprise that the entire fabric of the Government was not shattered in ruins to the earth.

Mr. Webster delivered several very able speeches in the Senate in regard to the removal of the deposits, and in reprobation of that rash and pernicious act. Favorable opportunities for so doing constantly occurred, in consequence of the great number of petitions and memorials condemning the act, which poured in upon Congress from all parts of the country. In one of the most conclusive and unanswerable of these speeches, he uses the following language:

"The Senate regarded this interposition as an encroachment by the Executive on other branches of the Government,—as an interference with the legislative disposition of the public treasure. It was strongly and forcibly urged, yesterday, by the honorable member from South Carolina, that the true and only mode of preserving any balance of power, in mixed governments, is to keep an exact balance. This is very true; and to this end encroachment must be resisted at the first step. The question is, therefore, whether, upon the true principles of the Constitution, this exercise of power by the President can be justified. Whether the consequences be prejudicial or not, if there be an illegal exercise of power, it is to be resisted in the proper manner. Even if no harm or inconvenience result from transgressing the boundary, the intrusion is not to be suffered to pass unnoticed. Every encroachment, great or small, is important enough to awaken the attention of those who are intrusted with the preservation of a constitutional government. We are not to wait till great public mischiefs come, till the government is overthrown, or liberty itself put into extreme jeopardy. We should

not be worthy sons of our fathers were we so to regard great questions affecting the general freedom. Those fathers accomplished the Revolution on a strict question of principle. The Parliament of Great Britain asserted a right to tax the colonies in all cases whatsoever; and it was precisely on this question that they made the Revolution turn. The amount of taxation was trifling, but the claim itself was inconsistent with liberty; and that was, in their eyes, enough. It was against the recital of an act of Parliament, rather than against any suffering under its enactments, that they took up arms. They went to war against a preamble. They fought seven years against a declaration. They poured out their treasures and their blood like water, in a contest against an assertion which those less sagacious and not so well schooled in the principles of civil liberty would have regarded as barren phraseology, or mere parade of words. They saw in the claim of the British Parliament a seminal principle of mischief, the germ of unjust power: they detected it, dragged it forth from underneath its plausible disguises, struck at it; nor did it elude either their steady eye or their well-directed blow till they had extirpated and destroyed it, to the smallest fibre. On this question of principle, while actual suffering was yet afar off, they raised their flag against a power to which, for purposes of foreign conquest and subjugation, Rome, in the height of her glory, is not to be compared; a power which has dotted over the surface of the whole globe with her possessions and military posts, whose morning drum-beat, following the sun, and keeping company with the hours, circles the earth with one continuous and unbroken strain of the martial airs of England."

Another subject of general interest which occupied the attention of the nation and of her leading statesmen during

the second term of President Jackson was the suppression of the Nullification tendencies of South Carolina. No sooner was he re-elected in the fall of 1832 than the people of that State, foreseeing the probable continuance of the protective policy of the Government, became greatly excited and incensed against it. Meetings were held throughout the State, and an ordinance was adopted in a General Convention, declaring the existing tariff unconstitutional, and proclaiming the intention of South Carolina, as an independent sovereign state, to resist any attempt which might be made by the officers of the Federal Government within her limits to collect the taxes accruing from its provisions. The Legislature of the State soon afterward met, ratified the ordinance, declared the tariff to be unconstitutional, null and void, and ordered the militia and other military forces of the commonwealth to hold themselves in readiness to oppose the aggressions of the General Government. The excitement and hostile ardour pervaded the whole State. Mr. Calhoun resigned the Vice-Presidency and took his seat in the Senate. He had not yet arrived in Washington; and the report prevailed that General Jackson had resolved to arrest him, on the charge of treason, while on his way to the capital. Mr. Webster opposed and condemned the conduct of the President as premature and precipitate, as calculated to do more harm than good, and as stretching his prerogatives to an undue length. The contest between the State and Federal Governments became more bitter and perilous from day to day. A proclamation issued by the President against the "Nullifiers" was answered by a counter-proclamation sent forth by Mr. Hayne, then Governor of South Carolina. Officers of the American army and navy were ordered to hold themselves in readiness to march at a moment's warning; and General Scott was sent to Charleston to take such steps as seemed

to be necessary to crush the spirit of rebellion and treason.

Meanwhile, this frightful state of discord and threatened disunion became the subject of discussion in Congress. On the 21st of January, Mr. Wilkins, of Pennsylvania, offered a bill which proposed to make further and more efficient provision for the collection of the revenues, and authorized the President to crush all resistance to the execution of the revenue-laws of the United States by summoning to his aid all the military resources of the Confederacy. During the discussion of this bill, Mr. Calhoun delivered one of his ablest and most profound arguments in favor of the doctrine of Nullification, and in defence of the policy pursued by South Carolina. His speech was heard in the Senate, and subsequently read throughout the nation, with the most intense interest; and it was worthy to elicit the masterly effort of Mr. Webster by which it was most triumphantly answered. After explaining the doctrine of Mr. Calhoun clearly and distinctly, Mr. Webster continued as follows:

"Beginning with the original error, that the Constitution of the United States is nothing but a compact between sovereign States; asserting, in the next step, that each State has a right to be its own sole judge of the extent of its own obligations, and, consequently, of the constitutionality of laws of Congress; and in the next, that it may oppose whatever it sees fit to declare unconstitutional, and that it decides for itself on the mode and measure of redress, the argument arrives at once at the conclusion that what a State dissents from, it may nullify; what it opposes, it may oppose by force; what it decides for itself, it may execute by its own power; and that, in short, it is itself supreme over the legislation of Congress, and supreme over the decisions of the national judicature,—supreme

over the Constitution of the country,—supreme over the supreme law of the land. However it seeks to protect itself against these plain inferences by saying that an unconstitutional law is no law, and that it only opposes such laws as are unconstitutional, yet this does not in the slightest degree vary the result, since it insists on deciding this question for itself, and, in opposition to reason and argument, in opposition to practice and experience, in opposition to the judgment of others having an equal right to judge, it says only, 'Such is my opinion; and my opinion shall be my law, and I will support it by my own strong hand. I denounce the law. I declare it unconstitutional: that is enough: it shall not be executed. Men in arms are ready to resist its execution. An attempt to enforce it shall cover the land with blood. Elsewhere it may be binding; but here it is trampled under foot.' This, sir, is practical nullification."

Against these positions Mr. Webster laid down a system embodied in the following propositions:

I. That the Constitution of the United States is not a league, confederacy or compact between the people of the several States in their sovereign capacities, but a Government proper, founded on the adoption of the people, and creating direct relations between itself and individuals.

II. That no State authority has power to dissolve those relations; that nothing can dissolve them but revolution; and that, consequently, there can be no such thing as secession without revolution.

III. That there is a supreme law, consisting of the Constitution of the United States, acts of Congress passed in pursuance of it, and treaties; and that, in cases not capable of assuming the character of a suit in law or equity, Congress must judge of, and finally interpret, this supreme law, so often as it has occasion to pass acts of

legislation; and in cases capable of assuming, and actually assuming, the character of a suit, the Supreme Court of the United States is the final interpreter.

IV. That an attempt by a State to abrogate, annul or nullify an act of Congress, or to arrest its operation within her limits, on the ground that, in her opinion, such law is unconstitutional, is a direct usurpation on the just powers of the General Government and on the equal rights of other States, a plain violation of the Constitution, and a proceeding essentially revolutionary in its character and tendency.

The bill which called forth this majestic intellectual tilt between Mr. Webster and Mr. Calhoun finally passed by an almost unanimous vote, John Tyler, of Virginia, being one of the few Senators who gave their ballots against it. Even those Southern representatives who had spoken in opposition to the bill, and in favor of the principle of Nullification, took occasion to absent themselves when the vote was taken. Mr. Webster's conduct during this crisis gained him the general applause of the nation; and the President felt himself under such great obligations to him for his efficient aid that he made advances to him of a most friendly nature; and a report was prevalent at the time that a seat in the Cabinet was offered him but declined. Thus was the furious Gorgon of Nullification laid to rest, it may be hoped, forever, and the perilled harmony and integrity of the Union happily preserved and secured; in the attainment of which glorious result, Mr. Webster beyond all question deserved the chief praise and occupied the most prominent place.

In November, 1836, Martin Van Buren was elected President, as successor to General Jackson. The first subject which demanded the attention of the new administration was the currency-question; for the financial embar-

rassments of the country were still a matter of grave concern to all classes of the community. Mr. Van Buren was in every sense the partisan and the patron of the policy which had been pursued by General Jackson. In March, 1837, Mr. Webster delivered an address to the citizens of New York, in Niblo's Saloon, which set forth in the clearest terms the errors and evils of the defunct administration, and inflicted upon its reputation a deadly and destructive blow. In that speech he discussed the questions of the tariff, internal improvements, the United States Bank, the annexation of Texas, and other leading themes. Mr. Van Buren went into office on the 4th of March, 1837; and one of his first acts was to summon an extra session of Congress, to provide for the serious perils which seemed to overhang the community in consequence of the simultaneous suspension of many banks throughout the country. This very movement was in itself an acknowledgment that the measures of the preceding administration had been so disastrous in their effects as to demand a remedy. The extra session met in September, 1837. Meanwhile, Mr. Van Buren had devised a new and peculiar plan, by which he hoped to promote the financial interests of the country, well known under the epithet of the Sub-Treasury Scheme. The intention or operation of this expedient was to accumulate and disburse the funds of the General Government, without the intervention or the aid of any bank whatever. The President also proposed to withhold from the States the fourth instalment of the surplus revenue which was then due them. Mr. Webster resolutely condemned and opposed both of these measures; and on the 28th of September he delivered a speech which embodied his opinions on the subject, in which the following passage occurs:

The Government of the United States completed the

forty-eighth year of its existence under its present Constitution on the 3d day of March last. During this whole period, it has felt itself bound to take proper care of the currency of the country; and no administration has admitted this obligation more clearly or more frequently than the last. For the fulfilment of this acknowledged duty, as well as to accomplish other useful purposes, a national bank has been maintained for forty out of these forty-eight years. Two institutions of this kind have been created by law; one commencing in 1791, and, being limited to twenty years, expiring in 1811; the other commencing in 1816, with a like term of duration, and ending, therefore, in 1836. Both these institutions, each in its time, accomplished their purposes, so far as the currency was concerned, to the general satisfaction of the country. Before the last bank expired, it had the misfortune to incur the enmity of the late administration. I need not at present speak of the causes of this hostility. My purpose only requires a statement of that fact, as an important one in the chain of occurrences. The late President's dissatisfaction with the bank was intimated in his first annual message, that is to say, in 1829. But the bank stood very well with the country, the President's known and growing hostility notwithstanding, and in 1832, four years before its charter was to expire, both Houses of Congress passed a bill for its continuance, there being in its favor a large majority of the Senate, and a larger majority of the House of Representatives. The bill, however, was negatived by the President. In 1833, by an order of the President, the public moneys were removed from the custody of the bank and were deposited with certain select State banks. This removal was accompanied with the most confident declarations and assurances, put forth in every form, by the President and the Secretary of the Treasury, that

these State banks would not only prove safe depositories of the public money, but that they would also furnish the country with as good a currency as it ever had enjoyed, and probably a better; and would also accomplish all that could be wished in regard to domestic exchanges. The substitution of State banks for a national institution, for the discharge of these duties, was that operation which has become known, and is likely to be long remembered, as the 'Experiment.'

"For some years all was said to go on extremely well, although it seemed plain enough to a great part of the community that the system was radically vicious; that its operations were all inconvenient, clumsy, and wholly inadequate to the proposed ends; and that, sooner or later, there must be an explosion. The administration, however, adhered to its experiment. The more it was complained of by the people, the louder it was praised by the administration. Its commendation was one of the standing topics of all official communications; and in his last message, in December, 1836, the late President was more than usually emphatic upon the great success of his attempts to improve the currency, and the happy results of the experiment upon the important business of exchange.

"But a reverse was at hand. The ripening glories of the experiment were soon to meet a dreadful blighting. In the early part of May last, these banks all stopped payment. This event, of course, produced great distress in the country, and it produced also singular embarrassment to the administration. The present administration was then only two months old; but it had already become formally pledged to maintain the policy of that which had gone before it. The President had avowed his purpose of treading in the footsteps of his predecessor. Here, then, was the difficulty. Here was a political knot, to be either

untied or cut. The experiment had failed, and failed, as it was thought, so utterly and hopelessly, that it could not be tried again.

"What, then, was to be done? Committed against a bank of the United States in the strongest manner, and the substitute, from which so much was expected, having disappointed all hopes, what was the administration to do? Two distinct classes of duties had been performed, in times past, by the Bank of the United States; one more immediately to the Government, the other to the community. The first was the safe-keeping and the transfer, when required, of the public moneys; the other, the supplying of a sound and convenient paper currency, of equal credit all over the country, and everywhere equivalent to specie, and the giving of most important facilities to the operations of exchange. These objects were highly important, and their perfect accomplishment by the 'experiment' had been promised from the first. The State banks, it was declared, could perform all these duties, and should perform them. But the 'experiment' came to a dishonored end in the early part of last May. The deposit-banks, with the others, stopped payment. They could not render back the deposits; and so far from being able to furnish a general currency, or to assist exchanges, (purposes, indeed, which they never had fulfilled with any success,) their paper became immediately depreciated, even in its local circulation. What course, then, was the administration now to adopt? Why, sir, it is plain that it had but one alternative. It must either return to the former practice of the Government, take the currency into its own hands, and maintain it, as well as provide for the safe-keeping of the public money by some institution of its own; or else, adopting some new mode of merely keeping the public money, it must abandon all further care over currency and

exchange. One of these courses became inevitable. The administration had no other choice. The State banks could be no longer tried, with the opinion which the administration now entertained of them; and how else could any thing be done to maintain the currency? In no way but by the establishment of a national institution.

"There was no escape from this dilemma. One course was, to go back to that which the party had so much condemned; the other, to give up the whole duty, and leave the currency to its fate. Between these two, the administration found itself absolutely obliged to decide; and it has decided, and decided boldly. It has decided to surrender the duty, and abandon the Constitution. That decision is before us, in the message, and in the measures now under consideration. The choice has been made; and that choice, in my opinion, raises a question of the utmost importance to the people of this country, both for the present and all future time. That question is, *Whether Congress has, or ought to have, any duty to perform, in relation to the currency of the country, beyond the mere regulation of the gold and silver.*"

During the regular session of 1837–38 Mr. Webster again came in conflict with the potent champion of South Carolina, Mr. Calhoun. The latter introduced a series of resolutions in the Senate, the purport of which was to condemn any interference by Congress with the institution of slavery in the District of Columbia; and to assert that the intermeddling of any State or its citizens with slavery either in that District or in any of the Territories, on the ground that it was immoral or sinful, would be a direct attack on the rights and institutions of all the slaveholding States. Mr. Clay offered an amendment to the resolution of Mr. Calhoun which added that such interference would be in effect a violation of the faith implied and pledged to

the States of Virginia and Maryland when they ceded the territory of the District to the General Government. Both of these propositions Mr. Webster opposed in the Senate, and held that Congress possessed the constitutional right to abolish slavery in the District, and that in this respect the powers of Congress were unlimited and unrestricted. In the preceding March he had presented several petitions praying for the abolition of slavery in the District, and had then expressly asserted the power of Congress over slavery in the District. On the present occasion, after the debate had progressed during some days, he delivered one of his most powerful arguments in support of his opinions, and in reply to a great effort made by Mr. Clay on the opposite side of the question. This speech deserves to rank among his acknowledged masterpieces.

CHAPTER IX.

Mr. Webster's Visit to England—Election of General Harrison to the Presidency—His Death—Accession of Mr. Tyler—The "Treaty of Washington"—Its Various Provisions—Ability displayed by Mr. Webster as a Diplomatist—Approval of the Treaty by Congress and the Executive—"*Impressment*"—Great Oration of Mr. Webster in Faneuil Hall—Extract from the Speech—Hostility of C. J. Ingersoll to Mr. Webster—Mr. Webster's Retort upon him.

In the spring of 1839 Mr. Webster gratified his very natural desire of seeing the Old World, and of enjoying the pleasures and vicissitudes of travel, by making a voyage to Europe. During the summer of that year he visited a large portion of England, Scotland and France. As may readily be supposed, his fame as the first and greatest of American orators and statesmen had preceded him, and he was greeted with applause and a hearty welcome wherever he went. Among the public festivals which he attended by invitation was the First Triennial Celebration of the Royal Agricultural Society at Oxford. He received many invitations to proffered hospitality from the most distinguished and cultivated personages in England. No American traveller had ever been honored with greater marks of consideration in that country than was he. During his tour he paid special attention to the agriculture and the currency of England, as well as its commerce and manufactures. Having at length returned home, he is said to have declared, with patriotic pride and pleasure, that he was more of an American than ever; and that he entertained a higher estimate than before of his country's real greatness and glory.

In 1840 General Harrison was elected to the Presidency; and that venerable hero, as one of his first official acts, tendered to Mr. Webster the choice of a place in his Cabinet. The President desired that he would select the Secretaryship of the Treasury; but Mr. Webster, for various satisfactory reasons, chose the Secretaryship of State and the control of foreign affairs. He was led to prefer this post inasmuch as he believed that he could be more useful to the country therein, in settling several important and difficult questions which at that time were litigated between the United States and Great Britain. He accordingly assumed the duties of the office; and the first question of grave difficulty which engaged his attention was the adjusting of the boundary-line between the northern limit of the Confederacy and Canada.

In the summer of 1841, Mr. Webster received the permission of Mr. Tyler, who had succeeded General Harrison in the Presidency, in consequence of the death of the latter, to address a note to Mr. Fox, in which he informed him that the United States Government were prepared and willing to commence negotiations for the purpose of settling all the disputes existing between it and the English Government. Soon afterward Sir Robert Peel became British Premier, and Lord Aberdeen, the Secretary of Foreign Affairs, immediately informed Mr. Everett, American minister at the Court of St. James, that the Government of England had resolved to despatch Lord Ashburton as a special minister to the United States to confer with Mr. Webster in the settlement of all existing or apprehended difficulties between the two Governments. Lord Ashburton arrived at Washington on the 6th of April, 1842; and Mr. Webster sent a communication to the Governors of Maine and Massachusetts, informing them of the arrival of the British plenipotentiary, and requesting them to ap-

point commissioners to assist in settling the disputed matter of the Northern boundary. The Executives of those two States immediately complied with the suggestion of Mr. Webster, and the commissioners selected by them arrived in the Federal capital in June, 1842. The northeastern, northwestern, and much of the intervening portions of the line which separated the territorial possessions of the two countries had never been really determined. From New Brunswick to the distant Pacific coast, disputed territories of vast extent were claimed by both nations, upon some of which American citizens had located and rights had been already vested, on the supposition that the soil was under the jurisdiction of their native Government; and in other places settlements had been made by British subjects under a similar impression. The question of settlement had become intricate; and the adjustment of it was a task of great delicacy and difficulty.

After four months of incessant labor, a treaty was agreed upon, familiarly known in American history as the "Ashburton treaty," but technically and properly termed the "Treaty of Washington," by which this point and several others were judiciously settled. This treaty definitely fixed the boundary between the United States and the British possessions in North America along the whole line from Nova Scotia to the St. Lawrence River, thence along that river and through the great chain of lakes to the head-waters of Lake Superior, and thence over a vast area four thousand miles in extent, over mountains and primeval forests and pathless plains, to the foot of the Rocky Mountains.

Another question which engaged the attention of the diplomatists on this occasion was the African slave-trade, which had been pronounced piracy by both Governments. England had adopted the policy of declaring those slaves

free which might be thrown upon her West India settlements by stress of weather and other irresistible causes; authorizing her local authorities at once to free all such slaves from the control of their masters whenever they were thus placed involuntarily within the jurisdiction of British law. This was regarded by American citizens and slave-owners as an unjust interpretation of the provisions of the celebrated "Quintuple Treaty," adopted in December, 1841, by England, France, Austria, Prussia and Russia; one of the provisions of which referred to the right of search of vessels suspected of being engaged in the African slave-trade. The eighth article of the treaty of Washington settled this matter on an equitable and permanent basis. It provided as follows:

"The parties mutually stipulate," says the article mentioned, "that each shall prepare, equip and maintain in service, on the coast of Africa, a sufficient and adequate squadron, or naval force of vessels, of suitable numbers and descriptions, to carry in all not less than eight guns, to enforce, *separately and respectively*, the laws, rights, and obligations of each of the two countries for the suppression of the slave-trade; the said squadrons to be independent of each other, but the two Governments stipulating, nevertheless, to give such orders to the officers commanding their respective forces as shall enable them most effectually to act in concert and co-operation, upon mutual consultations, as exigencies may arise, for the attainment of the true object of this article; copies of all such orders to be communicated by each Government to the other, respectively."

The third point of main importance in this celebrated treaty referred to the extradition of fugitives from justice. Ever since the foundation of the American Confederacy its territories had been the secure refuge of innumerable

and grave offenders against British law; and the Canadas contained a vast number of fugitives from justice from the United States. It will be apparent to every observer how important and desirable a compact between the two Governments would be, by which the offenders against their respective laws would be apprehended and delivered over to the arm of justice. The tenth article of the treaty settled the matter satisfactorily as follows:

"It is agreed," says that document, "that the United States and her Britannic Majesty shall, upon mutual requisitions by them, or their ministers, officers or authorities, respectively made, deliver up to justice all persons who, being charged with the crime of murder, or assault with intent to commit murder, or piracy, or arson, or robbery, or forgery, or the utterance of forged papers, committed within the jurisdiction of either, shall seek an asylum, or shall be found, within the territories of the other: provided that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial if the crime or offence had there been committed; and the respective judges and other magistrates of the two Governments shall have power, jurisdiction and authority, upon complaint made under oath, to issue a warrant for the apprehension of the fugitive or person so charged, that he may be brought before such judges or other magistrates, respectively, to the end that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify the same to the proper executive authority, that a warrant may issue for the surrender of such fugitive. The expense of such apprehension and delivery shall be borne

by the party who makes the requisition and receives the fugitive."

This treaty was communicated to the Senate on the 11th of August, 1842, and on motion of Mr. Rives, of Virginia, it was referred to the Committee of Foreign Affairs. It was reported back again to the Senate without amendment; and on the 20th of August, after an ample discussion of its provisions, it was ratified by the Senate by a vote of thirty-nine to nine, and in the House by a still greater majority. Among the Senators who voted against the treaty were Messrs. Benton and Buchanan. The American people throughout the vast extent of their empire approved the treaty by an almost unanimous voice; and the fame of Mr. Webster, as the diplomatist who had conducted and completed the negotiations so successfully, was lauded from one ocean to the other, as having deserved well of his fellow-citizens by his consummate skill in securing the just claims of his country in opposition to the encroachments of an ambitious and envious foreign power.

Another bone of controversy still existed between the two countries which had not been brought within the range of the stipulations of the treaty. This was the doctrine of *impressment*, which had, as it was asserted by Great Britain, been the real cause of the war of 1812. This point had not been included in the treaty of Washington, because Lord Ashburton had received no instructions on the subject. Mr. Webster, however, addressed a letter to the British representative, in which he discussed the whole matter at length. In this able and unanswerable communication the following passage occurs:

"We have had several conversations," he says, "on the subject of impressment; but I do not understand that your lordship has instructions from your Government to negotiate upon it; nor does the Government of the United

States see any utility in opening such negotiation, unless the British Government is prepared to renounce the practice in all future wars.

"No cause has produced, to so great an extent and for so long a period, disturbing and irritating influences in the political relations of the United States and England, as the impressment of seamen by British cruisers from American merchant-vessels.

"From the commencement of the French Revolution to the breaking out of the war between the two countries in 1812, hardly a year elapsed without loud complaint and earnest remonstrance. A deep feeling of opposition to the right claimed, and to the practice exercised under it,—and not unfrequently exercised without the least regard to what justice and humanity would have dictated, even if the right itself had been admitted,—took possession of the public mind of America; and this feeling, it is well known, co-operated most powerfully with other causes to produce the state of hostilities which ensued.

"At different periods, both before and since the war, negotiations have taken place between the two Governments, with the hope of finding some means of quieting these complaints. At some times the effectual abolition of the practice has been requested and treated of; at other times, its temporary suspension; and at other times, again, the limitation of its exercise, and some security against its enormous abuses.

"A common destiny has attended these efforts. They have all failed. The question stands at this moment where it stood fifty years ago. The nearest approach to a settlement was a convention proposed in 1803, and which had come to the point of signature, when it was broken off in consequence of the British Government insisting that the narrow seas should be expressly excepted out of the sphere

over which the contemplated stipulation against impressment should extend. The American minister, Mr. King, regarded this exception as quite inadmissible, and chose rather to abandon the negotiation than to acquiesce in the doctrine which it proposed to establish."

The claim set up by England is then clearly stated:— "England asserts the right of impressing British subjects, in time of war, out of neutral merchant-vessels, and of deciding, by her visiting-officers, who among the crews of such merchant-vessels are British subjects. She asserts this as a legal exercise of the prerogative of the Crown, which prerogative is alleged to be founded on the English law of the perpetual and indissoluble allegiance of the subject, and his obligation, under all circumstances, and for his whole life, to render military service to the Crown whenever required."

Lord Ashburton received the communication of Mr. Webster with great deference, and assured him that it should be sent to the Government which he represented, and that it should receive that grave consideration which it deserved.

Mr. Webster at this period incurred the indignation of a certain portion of American citizens because, when the whole of Mr. Tyler's Cabinet resigned in disgust at an early period of his administration, he alone saw fit to retain his post as Secretary of State. It was thought that this was a discreditable proof of a thirst for the dignities and emoluments of office, which was not very honorable in him. A portion of these censors resided in Massachusetts. To rebut and reprove their unjust charges, Mr. Webster addressed a meeting of the citizens of Boston in Faneuil Hall on the 30th of September, 1842, and triumphantly vindicated himself from their aspersions. In the course of this able effort he expressed himself in the

following language, and began by saying: "I know not how it is, Mr. Mayor, but there is something in the echoes of these walls, or in this sea of upturned faces which I behold before me, or in the genius that always hovers over this place, fanning ardent and patriotic feeling by every motion of its wings,—I know not how it is, but there is something that excites me strangely, deeply, before I even begin to speak." Having alluded to other minor topics, he continued:

"There were many persons, in September, 1841," said the orator, "who found great fault with my remaining in the President's Cabinet. You know, gentlemen, that twenty years of honest, and not always of undistinguished service in the Whig cause, did not save me from an outpouring of wrath which seldom proceeds from Whig pens and Whig tongues against anybody. I am, gentleman, a little hard to coax, but as to being driven, that is out of the question. I chose to trust my own judgment; and, thinking I was at a post where I was in the service of the country and could do it good, I stayed there. And I leave it to you to-day to say, I leave it to my country to say, whether the country would have been better off if I had left also. I have no attachment to office. I have tasted of its sweets, but I have tasted of its bitterness. I am content with what I have achieved; I am more ready to rest satisfied with what is gained than to run the risk of doubtful efforts for new acquisition.

"I suppose I ought to pause here. I ought, perhaps, to allude to nothing more; and I will not allude to any thing further than it may be supposed to concern myself, directly or by implication. Gentlemen, and Mr. Mayor, a most respectable convention of Whig delegates met in this place a few days since, and passed very important resolutions. There is no set of gentlemen in the common-

wealth, so far as I know them, who have more of my respect and regard. They are Whigs, but they are no better Whigs than I am. They have served the country in the Whig ranks; so have I, quite as long as most of them, though perhaps with less ability and success. Their resolutions on political subjects, as representing the Whigs of the State, are entitled to respect, so far as they were authorized to express opinion on those subjects, and no further. They were sent hither, as I supposed, to agree upon candidates for the offices of Governor and Lieutenant-Governor for the support of the Whigs of Massachusetts; and if they had any authority to speak in the name of the Whigs of Massachusetts to any other purport or intent, I have not been informed of it. I feel very little disturbed by any of those proceedings, of whatever nature; but some of them appear to me to have been inconsiderate and hasty, and their point and bearing can hardly be mistaken. I notice, among others, a declaration made, in behalf of all the Whigs of this commonwealth, of 'a full and final separation from the President of the United States.' If those gentlemen saw fit to express their own sentiments to that extent, there was no objection. Whigs speak their sentiments everywhere; but whether they may assume a privilege to speak for others on a point on which those others have not given them authority, is another question. I am a Whig, I always have been a Whig, and I always will be one; and if there are any who would turn me out of the pale of that communion, let them see who will get out first. I am a Massachusetts Whig, a Faneuil Hall Whig, having breathed this air for five-and-twenty years, and meaning to breathe it as long as my life is spared. I am ready to submit to all decisions of Whig conventions on subjects on which they are authorized to make decisions; I know that great party good and great

public good can only be so obtained. But it is quite another question whether a set of gentlemen, however respectable they may be as individuals, shall have the power to bind me on matters which I have not agreed to submit to their decision at all.

"'A full and final separation' is declared between the Whig party of Massachusetts and the President. That is the text: it requires a commentary. What does it mean? The President of the United States has three years of his term of office yet unexpired. Does this declaration mean, then, that during those three years all the measures of his administration are to be opposed by the great body of the Whig party of Massachusetts, whether they are right or wrong? There are great public interests which require his attention. If the President of the United States should attempt, by negotiation, or by earnest and serious application to Congress, to make some change in the present arrangements, such as should be of service to those interests of navigation which are concerned in the colonial trade, are the Whigs of Massachusetts to give him neither aid nor succor? If the President of the United States shall direct the proper department to review the whole commercial policy of the United States, in respect of reciprocity in the indirect trade, to which so much of our tonnage is now sacrificed, if the amendment of this policy shall be undertaken by him, is there such a separation between him and the Whigs of Massachusetts as shall lead them and their representatives to oppose it? Do you know (there are gentleman now here who do know) that a large proportion—I rather think more than one-half—of the carrying trade between the Empire of Brazil and the United States is enjoyed by tonnage from the North of Europe, in consequence of this ill-considered principle with regard to reciprocity? You might

just as well admit them into the coasting-trade. By this arrangement we take the bread out of our children's mouths and give it to strangers. I appeal to you, sir, [turning to Captain Benjamin Rich, who sat by him,] is not this true? [Mr. Rich at once replied, "True!"] Is every measure of this sort, for the relief of such abuses, to be rejected? Are we to suffer ourselves to remain inactive under every grievance of this kind until these three years shall expire, and through as many more as shall pass until Providence shall bless us with more power of doing good than we have now?

"Again: there are now in this State persons employed under Government, allowed to be pretty good Whigs, still holding their offices,—collectors, district-attorneys, postmasters, marshals. What is to become of them in this separation? Which side are they to fall? Are they to resign? or is this resolution to be held up to Government as an invitation or a provocation to turn them out? Our distinguished fellow-citizen who, with so much credit to himself and to his country, represents our Government in England,—is he expected to come home, on this separation, and yield his place to his predecessor, or to somebody else? And in regard to the individual who addresses you,—what do his brother Whigs mean to do with him? Where do they mean to place me? Generally, when a divorce takes place, the parties divide their children. I am anxious to know where, in the case of this divorce, I shall fall. This declaration announces 'a full and final separation between the Whigs of Massachusetts and the President.' If I choose to remain in the President's councils, do these gentlemen mean to say that I cease to be a Massachusetts Whig? I am quite ready to put that question to the people of Massachusetts."

The treaty of Washington, by which the points of dis-

pute which existed between England and the United States had been judiciously settled by Mr. Webster, continued to furnish his opponents with a fertile subject of censure and abuse; and in the canvass of 1844 it was made an electioneering element. It was not until 1846, when Mr. Webster returned to the Senate, that a favorable opportunity was offered to vindicate himself and his treaty before the whole country. During the session of 1846 this treaty was again made the theme of discussion in Congress; and among those representatives who most bitterly condemned and censured it was Mr. Charles J. Ingersoll, from Pennsylvania. This gentleman seemed to feel a special malignity against Mr. Webster, and rendered himself prominent in his reprobation of that statesman's proceedings and negotiations with the British plenipotentiary. His speech delivered on the occasion clearly evinced this sentiment; and proved that he had industriously collected together all the calumnies and slanders which had been uttered in reference to the subject, and combined them together in one insane utterance of mingled bitterness, falsehood, and imbecility. During the progress of the debate Mr. Dickinson, of New York, made a fierce attack on Mr. Webster, in a powerful and elaborate speech, in which, however, he reproduced and repeated some of the inventions of Mr. Ingersoll. The latter having thus received the apparent impress of importance and authority by being adopted and uttered by Mr. Dickinson, Mr. Webster felt called upon to give the subject a formal and thorough discussion in the Senate. On the sixth and seventh days of April, he delivered one of his ablest efforts. He proved most unanswerably that the north-eastern boundary had been fairly and satisfactorily settled; that proper satisfaction and apology had been obtained for an aggression on the territory of the United States; that

safe and suitable stipulations had been entered into to secure the fulfilment of the duty of Government in regard to the slave-trade; that crimes disturbing the peace of nations had been suppressed; that the Southern coasting-trade had been secured; that impressment had been abolished; and that the honor of the American name had been amply vindicated. In addition to all this, he proceeded to castigate Mr. Ingersoll with the lash of a Titan, as the chief slanderer, who had been most active and indefatigable in raking together the manifold and multiform filth in reference to him and the treaty, which he had afterward uttered in offensive streams in Congress; and he applied to him such a discipline of ridicule, sarcasm, and contempt as had never before been witnessed in the halls of the Capitol. He completely extinguished his enemy; and so total was his political annihilation that, from that hour and beneath that gigantic blow, his victim vanished entirely from public view and sank into oblivion.

CHAPTER X.

Temporary Retirement of Mr. Webster from Political Life—His Legal Arguments—The Girard Will Case—Suit against the City of Boston—Mr. Webster returns to the Senate—Annexation of Texas—Dispute respecting Oregon Territory—The Mexican War—Admission of California—The Compromise Measures of Mr. Clay—Mr. Webster's Able Speech on the Subject.

Mr. Webster spent the two succeeding years in absence from the national councils, and in the pursuit of his professional engagements at the bar. During this interval he was employed in the conduct of several important lawsuits, which attracted the attention of the whole community in consequence of the magnitude of the interests involved in them. Several of these assumed the form of arguments before the United States Supreme Court at Washington. Among the number was the case of Vidal and others against the Executors of the Will of Stephen Girard, in which property to the value of millions was concerned. In this memorable case he was opposed by Horace Binney of Philadelphia, a jurist who, possessing none of the abilities of Mr. Webster as a statesman, was fully his equal, and probably his superior, in legal learning. The position assumed by Mr. Webster on this occasion was, that Girard College, the chief devisee under the will, was not a *charity*, because established on atheistical principles; and therefore not entitled to the protection of the laws. This position, doubtless the only one upon which an argument could possibly be based against the validity of the

will, was supported by all the immense resources of erudition and eloquence which his great mind possessed; but he was manifestly defending the wrong side of the question, and so the Supreme Court ultimately decided. Another case of importance in which he was concerned was that of the Providence Railroad against the City of Boston, which was purely an effort of technical learning and research, from the nature of the interests and the facts involved. In June, 1844, Mr. Webster delivered his memorable address on the completion of the Bunker Hill Monument. He had himself baptized the foundation-stone of that colossal shaft several years before, with a torrent of classical eloquence; and now he breathed upon the finished crown of its aspiring head, the inspiration of his fervent and sublime benediction.

One of the most important questions which engaged the attention of Congress at this period was the proposed annexation of the Republic of Texas. Mr. Webster was opposed to this measure; and his opposition was based upon the ground that too great an extension of the territory of the Confederacy would be injurious to the interests and the perpetuity of the Government, and that the true welfare of the nation would be more effectually promoted by the development of its internal resources than by the enlargement of its superficial extent. He adduced other objections:

"In the next place, sir," said the Senator, in giving a direct statement of this reason for his opposition, "I have to say, that while I hold, with as much integrity, I trust, and faithfulness, as any citizen of this country, to all the original arrangements and compromises under which the Constitution under which we now live was adopted, I never could, and never can, persuade myself to be in favor of the admission of other States into the Union as slave

States, with the inequalities which were allowed and accorded by the Cŏnstitution to the slaveholding States then in existence. I do not think that the free States ever expected, or could expect, that they would be called on to admit more slave States having the unequal advantages arising to them from the mode of apportioning representation under the existing Constitution.

"Sir, I have never made an effort, and never propose to make an effort, I have never countenanced an effort, and never mean to countenance an effort, to disturb the arrangements, as originally made, by which the various States came into the Union. But I cannot avoid considering it quite a different question, when a proposition is made to admit new States, and that they be allowed to come in with the same advantages and inequalities which were agreed to in regard to the old. It may be said that, according to the provisions of the Constitution, new States are to be admitted upon the same footing as the old States. It may be so; but it does not follow at all from that provision that every territory or portion of country may at pleasure establish slavery, and then say, we will become a portion of the Union, and will bring with us the principles which we have thus adopted, and must be received on the same footing as the old States. It will always be a question whether the other States have not a right (and I think they have the clearest right) to require that the State coming into the Union should come in upon an equality; and if the existence of slavery be an impediment to coming in on an equality, then the State proposing to come in should be required to remove that inequality by abolishing slavery, or take the alternative of being excluded.

"Now, I suppose that I should be very safe in saying that if a proposition were made to introduce, from the

North or the Northwest, territories into this Union, under circumstances which would give them an equivalent to that enjoyed by slave States,—advantage and inequality, that is to say, over the South, such as this admission gives to the South over the North,—I take it for granted that there is not a gentleman in this body from a slaveholding State that would listen for one moment to such a proposition. I therefore put my opposition, as well as on other grounds, on the political ground that it deranges the balance of the Constitution, and creates inequality and unjust advantage against the North, and in favor of the slaveholding country of the South. I repeat, that if a proposition were now made for annexation from the North, and that proposition contained such a preference, such a manifest inequality, as that now before us, no one could hope that any gentleman from the Southern States would hearken to it for a moment.

"It is not a subject that I mean to discuss at length. I am quite aware that there are in this chamber gentlemen representing free States, gentlemen from the North and East, who have manifested a disposition to add Texas to the Union as a slave State, with the common inequality belonging to slave States. This is a matter for their own discretion, and judgment, and responsibility. They are in no way responsible to me for the exercise of the duties assigned them here; but I must say that I cannot but think that the time will come when they will very much doubt both the propriety and justice of the present proceeding. I cannot but think the time will come when all will be convinced that there is no reason, political or moral, for increasing the number of the States, and increasing, at the same time, the obvious inequality which exists in the representation of the people in Congress by extending slavery and slave representation.

"On looking at the proposition further, I find that it imposes restraints upon the Legislature of the State as to the manner in which it shall proceed (in case of a desire to proceed at all) in order to the abolition of slavery. I have perused that part of the Constitution of Texas, and, if I understand it, the Legislature is restrained from abolishing slavery at any time, except on two conditions; one, the consent of every master, and the other, the payment of compensation. Now, I think that a Constitution thus formed ties up the hands of the legislature effectually against any movement, under any state of circumstances, with a view to abolish slavery; because, if any thing is to be done, it must be done within the State by general law, and such a thing as the consent of every master cannot be obtained; though I do not say that there may not be an inherent power in the people of Texas to alter the Constitution, if they should be inclined to relieve themselves hereafter from the restraint under which they labor. But I speak of the Constitution now presented to us.

"Mr. President, I was not in Congress at the last session, and, of course, had no opportunity to take part in the debates upon this question; nor have I before been called upon to discharge a public trust in regard to it. I certainly did, as a private citizen, entertain a strong feeling that, if Texas were to be brought into the Union at all, she ought to be brought in by diplomatic arrangement, sanctioned by treaty. But it has been decided otherwise by both Houses of Congress; and, whatever my own opinions may be, I know that many who coincided with me feel themselves, nevertheless, bound by the decision of all branches of the Government. My own opinion and judgment have not been at all shaken by any thing I have heard. And now, not having been a member

of the Government, and having, of course, taken no official part in the measure, and as it has now come to be completed, I have believed that I should best discharge my own duty, and fulfil the expectations of those who placed me here, by giving this expression of their most decided, unequivocal, and unanimous dissent and protest; and stating, as I have now stated, the reasons which have impelled me to withhold my vote.

"I agree with the unanimous opinion of the Legislature of Massachusetts; I agree with the great mass of her people; I reaffirm what I have said and written during the last eight years, at various times, against this annexation. I here record my own dissent and opposition; and I here express and place on record, also, the dissent and protest of the State of Massachusetts."

Texas was eventually annexed, and the result was precisely what Mr. Webster had predicted: the nation became involved in a war with Mexico. While this war was in progress, another controversy arose, which threatened to involve the country in hostilities with England. During the campaign in which Mr. Polk was elected to the Presidency, his party and himself had assumed the position that the United States were entitled to the whole of the Oregon Territory; and they had designated 54 degrees 40 minutes as the line which should limit the possessions of Britain. In his first message Mr. Polk recommended that notice should be given to that country that the United States would terminate the convention existing between the two countries, adopted in 1827, by which Oregon Territory was conjointly occupied. Mr. Webster opposed the policy of the President, and he held the position that the *forty-ninth* degree of latitude was the extreme limit which the United States could justly claim. This proposition was at first treated with great ridicule by the administra-

tion and its partisans; but Mr. Webster's sagacity was clearly vindicated by the fact, that Mr. Polk was himself compelled at last to accept the very line of settlement which Mr. Webster had in the first instance designated and defended. In his speech of the 12th of August, 1848, on this subject, he insisted on the right of Congress to exclude slavery from the Territory; on the expediency of exercising that right; and against the farther extension of slave territory. In regard to the complaint of Southern Senators that their slave property would be thus excluded from the Territory, he laid down these three propositions:

"*First.* That when this Constitution was adopted, nobody looked for any new acquisition of territory to be formed into slaveholding States.

"*Second.* That the principles of the Constitution prohibited, and were intended to prohibit, and should be construed to prohibit, all interference of the General Government with slavery, as it existed, and as it still exists, in the States. And

"*Third.* Looking to the operation of these new acquisitions, which have in this great degree had the effect of strengthening that interest in the South by the addition of *five* States, I feel that there is nothing unjust, nothing of which any honest man can complain, if he is intelligent; I feel that there is nothing with which the civilized world, if they take notice of so humble a person as myself, will reproach me when I say, as I said the other day, that I have made up my mind, for one, that under no circumstances will I consent to the further extension of the area of slavery in the United States, or to the further increase of slave representation in the House of Representatives."

The same principles of political prudence and sagacity which had induced Mr. Webster to oppose the annexation of Texas constrained him to resist the admission of Cali-

fornia and New Mexico into the Confederacy. He thought that those vast and often savage realms would cost the Government much more than they would actually be worth; and he believed that the existence of such States located so far from the centre of the Republic would prove injurious to its unity, its compactness, and its harmony. In spite of his opposition and that of his friends, these Territories were ultimately incorporated with the Union; but the unfavorable prognostications which Mr. Webster had entertained on the subject have been happily disappointed.

The Mexican War was at length concluded with honor to the American arms; and its chief hero, Zachary Taylor, was rewarded for his brilliant services by his election to the Presidency. His inauguration took place on the 4th of March, 1849. Very soon afterward the subject of slavery again assumed a portentous aspect in the country; and when California demanded to be admitted into the Union as a free State, with her free Constitution already adopted and approved, the opposition of the South and of Southern representatives to the measure became intense and formidable. Large public meetings were held in all the non-slaveholding States in support of the admission of California; and thus the question received a sectional character and generated a sectional and hostile feeling. Soon a meeting of Southern representatives was held at Washington to deliberate on the subject; and at this meeting Mr. Calhoun, still the great leader and Achilles of the Southern party, was appointed to prepare an address to the constituents of the Southern delegates. This address received the signatures of forty-eight Southern representatives. The excitement became intense throughout the country. To allay it, and to settle the difficulty, Mr. Clay prepared and introduced his celebrated Compromise measure on the 25th of January, 1850. After a protracted

debate, his resolutions were negatived. It was on the 7th of March, after the discussion had continued during several months, that Mr. Webster delivered his memorable speech on this question. This oration was one of his most masterly efforts; and again the Senate-chamber and its vicinity were crowded by a vast assemblage, eager to hear him. He favored to some extent, on this occasion, the interests and prejudices of the South; and he lost in some degree, in consequence of this fact, his popularity at the North. But his chief purpose evidently was to administer soothing counsel, which would heal the existing exacerbation of feeling between rival sections of the Republic, and thus to accomplish the best and noblest aim which an American statesman can ever possibly achieve.

CHAPTER XI.

Death of General Taylor—Mr. Webster's Eulogy upon Him—Mr. Webster's Last Speech in the Senate—Mr. Fillmore appoints him Secretary of State—Mr. Webster's Celebrated Letter to Chevalier Hülsemann—Disputed Authorship—Expedition of Lopez against Cuba—Its Results—Other Questions of Importance disposed of by Mr. Webster—His Treatment of Kossuth.

THE sudden death of General Taylor filled the nation with regret. The popular sentiment found suitable utterance in the eulogies which were pronounced in Congress; but among the many eloquent men who then offered the tribute of their praise to the memory and the virtues of the deceased hero, none equalled in felicity of thought and expression the remarks made by Mr. Webster. His manner and style on such an occasion may be inferred from the following extract from the speech addressed to the Senate:

"For a very short time, sir, I had a connection with the executive government of this country; and at that time very perilous and embarrassing circumstances existed between the United States and the Indians on the borders, and war was actually carried on between the United States and the Florida tribes. I very well remember that those who took counsel together on that occasion officially, and who were desirous of placing the military command in the safest hands, came to the conclusion that there was no man in the service more fully uniting the qualities of military ability and great personal prudence than Zachary Taylor; and he was appointed to the command.

"Unfortunately, his career at the head of this Government was short. For my part, in all that I have seen of him, I have found much to respect and nothing to condemn. The circumstances under which he conducted the Government, for the short time he was at the head of it, have been such as not to give him a very favorable opportunity of developing his principles and his policy, and carrying them out; but I believe he has left on the minds of the country a strong impression, first, of his absolute honesty and integrity of character; next, of his sound, practical good sense; and, lastly, of the mildness, kindness, and friendliness of his temper toward all his countrymen.

"But he is gone. He is ours no more, except in the force of his example. Sir, I heard with infinite delight the sentiments expressed by my honorable friend from Louisiana, who has just resumed his seat, when he earnestly prayed that this event might be used to soften the animosities, to allay party criminations and recriminations, and to restore fellowship and good feeling among the various sections of the Union. Mr. Secretary, great as is our loss to-day, if these inestimable and inappreciable blessings shall have been secured to us even by the death of Zachary Taylor, they have not been purchased at too high a price; and if his spirit, from the regions to which he has ascended, could see these results from his unexpected and untimely end, if he could see that he had entwined a soldier's laurel around a martyr's crown, he would say exultingly, 'Happy am I, that by my death I have done more for that country which I loved and served, than I did or could do by all the devotion and all the efforts that I could make in her behalf during the short span of my earthly existence!'"

The obsequies of General Taylor interrupted the discussion of the famous Compromise Measures. After their

conclusion the debate was resumed. On the 17th of July, 1850, Mr. Webster, in speaking on this momentous theme, addressed the Senate *for the last time*. He had played the most important part, and had made the most remarkable figure, in the Federal Congress, of any American statesman; and now at last the time had arrived when that unparalleled career had reached its termination. It is fit that we should chronicle the last words which he ever uttered on the scene of his greatest glory. Said he:

"And now, Mr. President, to return at last to the principal and important question before us, What are we to do? How are we to bring this emergent and pressing question to an issue and an end? Here have we been seven and a half months disputing about points which, in my judgment, are of no practical importance to one or the other part of the country. Are we to dwell forever upon a single topic, a single idea? Are we to forget all the purposes for which governments are instituted, and continue everlastingly to dispute about that which is of no essential consequence? I think, sir, the country calls upon us loudly and imperatively to settle this question. I think that the whole world is looking to see whether this great popular government can get through such a crisis. We are the observed of all observers. It is not to be disputed or doubted that the eyes of all Christendom are upon us. We have stood through many trials. Can we not stand through this, which takes so much the character of a sectional controversy? Can we stand that? There is no inquiring man in all Europe who does not ask himself that question every day, when he reads the intelligence of the morning. Can this country, with one set of interests at the South, and another set of interests at the North, and these interests supposed, but falsely supposed, to be at variance,—can this people see what is so evident to the

whole world beside, that this Union is their main hope and greatest benefit, and that their interests in every part are entirely compatible? Can they see, and will they feel, that their prosperity, their respectability among the nations of the earth, and their happiness at home, depend upon the maintenance of their Union and their Constitution? That is the question. I agree that local divisions are apt to warp the understandings of men and to excite a belligerent feeling between section and section. It is natural, in times of irritation, for one part of the country to say, 'If you do that, I will do this,' and so get up a feeling of hostility and defiance. Then comes belligerent legislation, and then an appeal to arms. The question is, whether we have the true patriotism, the Americanism, necessary to carry us through such a trial. The whole world is looking toward us with extreme anxiety. For myself, I propose, sir, to abide by the principles and the purposes which I have avowed. I shall stand by the Union, and by all who stand by it. I shall do justice to the whole country, according to the best of my ability, in all I say, and act for the good of the whole country in all I do. I mean to stand upon the Constitution. I need no other platform. I shall know but one country. The ends I aim at shall be my country's, my God's, and truth's. I was born an American; I will live an American; I shall die an American; and I intend to perform the duties incumbent upon me in that character to the end of my career. I mean to do this, with absolute disregard of personal consequences. What are personal consequences? What is the individual man, with all the good or evil that may betide him, in comparison with the good or evil which may befall a great country in a crisis like this, and in the midst of great transactions which concern that country's fate? Let the consequences be what they will, I am care-

less. No man can suffer too much, and no man can fall too soon, if he suffer or if he fall in defence of the liberties and Constitution of his country."

Scarcely had Mr. Fillmore succeeded to the Presidency in consequence of the death of General Taylor, than he found himself in a difficult position. He was compelled to appoint a new Cabinet, and the administration was expected to enforce the Compromise measures, which had been at length adopted, but which were repugnant to the feelings of a large portion of the Confederacy. The first act of the President was to offer the first place in the Cabinet to Mr. Webster, whose views harmonized with his own on almost every point of policy. The offer was accepted, and Mr. Webster became for the second time Secretary of State. At this period he began gradually to recover the popularity with the North which he had lost in consequence of the delivery of his speech of the 7th of March, 1850. He had endured a vast amount of opprobrium on account of the opinions which he had uttered in that memorable oration; but the storm had gradually spent itself, and he was regaining the confidence and esteem which for a time he had forfeited. His able conduct as chief officer of the Cabinet soon raised him to the same elevation in the popular adulation which he had previously occupied.

One of the measures which contributed to this result was his official letter to the communication of Chevalier Hülsemann, the *Chargé d'Affaires* of the Emperor of Austria to this Government. The chevalier had complained in his official note, of the mission of Mr. Dudley Mann to the then revolting kingdom of Hungary, for the purpose of expressing the sympathy of the United States with the heroes who were then making prodigious efforts to overthrow the colossal tyranny of Austria, and

establish the liberties of their native land. The emperor, by his agent, demanded from the United States Government an apology for the affront, and a guarantee that it should not be repeated in future.

For some time the communication of the obsequious tool of the tyrant was treated with oblivious contempt. At length a reply was sent to it, which exhibited as much ability and intellectual power as it expressed of derision and scorn for the pretensions and principles of the potentate by whose orders the original note had been sent. The leading doctrine set forth in this memorable paper was, that the Austrian monarch had no right whatever to object to the interest taken by the United States Government in the struggles of a people who were toiling for the attainment of their liberties, because such a course we had ourselves pursued; and such a course was consonant with the fundamental principles of the American Confederacy. The composition of this masterly document has been generally ascribed by the popular voice to the pen of Edward Everett; but the fact probably was, that Mr. Webster suggested the principles which are set forth, the general ideas which are contained in it, requesting Mr. Everett to put these into appropriate language, and give them their present form and connection.

On the 14th of October, 1851, Don Calderon de la Barca, the Spanish minister at Washington, addressed a note to Mr. Webster in reference to the outrages which had been committed at New Orleans upon Spanish residents there by the partisans of Lopez and his associates in his disastrous expedition against Cuba. The demand of the minister for reparation was an equitable one; because those Spaniards were not in the slightest degree responsible for the conduct of their distant Government. Mr. Webster accordingly addressed a reply to De

la Barca on the 13th of November, condemning the expedition of Lopez and the excesses of his friends, and promising on the part of the United States Government all the satisfaction which was just under the circumstances. This appropriate act did not prevent Mr. Webster from subsequently sending a communication to Mr. Barringer, the United States minister at Madrid, asking his interposition in procuring the release of the American prisoners who were yet in durance at Havana, or were under sentence of death amid the glooms of the Spanish mines. The result of this timely and generous interference was the ultimate pardon and release of a hundred and sixty-two of the daring and reckless adventurers, who had been consigned to the penalty of death,—a penalty which they had richly deserved, as we must admit when we remember the fact that they had entered on a most detestable expedition, prepared to commit every possible excess in order to gratify all the worst passions which disgrace and deform human nature, and who only wanted the ability and the means to carry out their purposes.

Other subjects of great moment occupied the attention of the Secretary of State during the last year of his public service. Among these were the revival of the terms of the Clayton-Bulwer Treaty in reference to the affairs of Central America, the question of the fisheries, the Tehuantepec Treaty, and the ownership of the Lobos Islands. At this period the interest of Mr. Webster was strongly elicited in favor of the merits and fate of Louis Kossuth, the ex-Governor of Hungary, who visited the United States in December, 1851. He had addressed a letter of instruction to Mr. George P. Marsh, the United States minister at Constantinople, directing him to use all his influence to prevent the surrender of the Hungarian patriot and hero to the bloody clutches of the Austrian despot, and to per-

mit his removal to the United States. That letter, and the potent influences which it set in operation, were decisive of the fate of Governor Kossuth; and all the arts, promises, and threats of the Austrian court were unavailing. Kossuth, who was really one of the most able and eminent statesmen of modern times, sailed for this country and visited various portions of the Confederacy, and was everywhere received with the consideration which he deserved. On the 7th of January, 1852, he was honored with a public dinner at Washington, tendered by a large number of the members of both Houses of Congress. Mr. Webster was present, and delivered a speech, in which he expressed his admiration for Hungarian patriotism and valor, as exhibited in the then recent struggle, and his sympathy with the fate of the Hungarian exile. He referred in eloquent terms to the interest which he had felt and uttered, many years previous, in 1824, with the similar struggles of a similar nation,—the heroic patriots of Greece; and he asserted that he was ready to maintain the same friendly relations, always and everywhere, with any people who might endeavor by similarly legitimate means to throw off the detested chains of tyranny, and assert their claim to a position among the free and sovereign nations of the earth. This was indeed a fitting and appropriate utterance with which the ablest champion of human liberty in modern times might conclude his long career; the last words which were destined ever to issue in public from his eloquent lips.

CHAPTER XII.

Approach of Mr. Webster's Last Illness—His Religious Opinions—A Summary of it—Mr. Webster's Will—New and Alarming Symptoms—Mr. Webster's Scrutiny of his Own Dissolution—His Death—His Intellectual Character—Parallel between Him and Alexander Hamilton—Mr. Webster's Skill in Agriculture—His Library—His Favorite Amusements—His Fondness for the Sea-Shore—The Admirable Proportion of his Mental Faculties—His Peculiarities as an Orator—His Great Logical Power—His Boldness and Fortitude—The Permanence and Splendor of his Fame.

We have now reached the closing scene in the life of this remarkable man,—a scene as singular and original in its peculiarities as were the events of the preceding epochs and stages of his existence. If it be appointed unto all men once to die, there the similarity of human destiny ends; for all men die differently: the same description of the last solemn scene will not apply to any two persons of the race; and in this respect Mr. Webster's last hours, and the conclusion of his memorable career, were unique in their incidents, and in some respects without a parallel.

It was in April, 1852, that the chronic diarrhœa to which Mr. Webster had been subject for some years during the summer months assumed such alarming appearances, that he was at last compelled to leave his office at Washington and return to Marshfield, in the hope of recovery and relief by breathing the air and reviewing the scenes of that favorite spot. His hope was partially realized. Although he met with a serious accident by being thrown from his carriage during his visit, he acquired ultimately a renewal of his strength. On the 24th of May he ad-

WEBSTER'S MANSION AT MARSHFIELD.

dressed an immense audience of the citizens of Boston in Faneuil Hall. Thence he returned to Washington, where he remained until the public reception which was given him in July by his political friends in the capital of Massachusetts. Once more he returned to the duties of his office at Washington, where he remained until the beginning of September. During the journey which he afterward made through Baltimore toward Marshfield, he took a severe cold, which aggravated all his old symptoms. He visited Boston several times, and at length, on the 21st of September, he returned to Marshfield for the last time, fully conscious that his condition was very critical.

To every intelligent and thinking man the close of life is always an important and solemn occasion; and thus Mr. Webster viewed it. He directed his attention, as he lay upon his couch, to the subject of religion, and requested that certain passages of Scripture should be read to him. On Sunday evening, October 10th, he dictated to his attendants a singular testimony and exposition of his religious belief. It was as follows:

"LORD, I BELIEVE: HELP THOU MY UNBELIEF.

"Philosophical argument, especially that drawn from the vastness of the universe in comparison with the apparent insignificance of this globe, has sometimes shaken my reason for the faith which is in me; but my heart has always assured and reassured me that the gospel of Jesus Christ must be a divine reality. The Sermon on the Mount cannot be a merely human production. This belief enters into the very depths of my conscience. The whole history of man proves it.

"D. WEBSTER."

It was the earnest wish of this great man to leave behind him an express declaration of his belief in the truth of the

Christian religion; and he desired the preceding comprehensive and explicit statement to be engraved as an epitaph upon his tomb. After having thus paid due regard to the moral obligations which devolved upon him, by this and by other religious exercises, he proceeded to dispose of his worldly affairs, and to arrange them, with the same prudence, intelligence, and justice which had ever characterized his conduct in his dealings with his fellow-men during his lifetime. As the will of so remarkable a person as Mr. Webster would bear the stamp of his peculiar attributes of mind and heart, and as its details will be interesting to all intelligent readers, we here introduce it. It was as follows:

"IN THE NAME OF ALMIGHTY GOD!

"I, Daniel Webster, of Marshfield, in the county of Plymouth, and commonwealth of Massachusetts, Esquire, being now confined to my house with a serious illness, which, considering my time of life, is undoubtedly critical, but being nevertheless in the full possession of my mental faculties, do make and publish this, my last will and testament:

"I commit my soul into the hands of my heavenly Father, trusting in his infinite goodness and mercy.

"I direct that my mortal remains be buried in the family-vault at Marshfield, where monuments are already erected to my deceased children and their mother. Two places are marked for other monuments, of exactly the same size and form. One of these, in proper time, is for me; and perhaps I may leave an epitaph. The other is for Mrs. Webster. Her ancestors, and all her kindred, lie in a far-distant city. My hope is, that after many years she may come to my side, and join me and others whom God hath given me.

"I wish to be buried without the least show or ostentation, but in a manner respectful to my neighbors, whose kindness has contributed so much to the happiness of me and mine, and for whose prosperity I offer sincere prayers to God.

"Concerning my worldly estate, my will must be anomalous and out of the common form, on account of the state of my affairs. I have two large real estates. By marriage-settlement, Mrs. Webster is entitled to a life-estate in each, and after her death they belong to my heirs. On the Franklin estate, so far as I know, there is no encumbrance except Mrs. Webster's life-estate. On Marshfield, Mr. Samuel Frothingham has an unpaid balance of a mortgage, now amounting to twenty-five hundred dollars. My great and leading wish is to preserve Marshfield, if I can, in the blood and name of my own family. To this end, it must go in the first place to my son, Fletcher Webster, who is hereafter to be the immediate prop of my house and the general representative of my name and character. I have the fullest confidence in his affection and good sense, and that he will heartily concur in any thing that appears to be for the best.

"I do not see, under present circumstances of him and his family, how I can now make a definite provision for the future beyond his life: I propose, therefore, to put the property into the hands of trustees, to be disposed of by them as exigencies may require.

"My affectionate wife, who has been to me a source of so much happiness, must be tenderly provided for. Care must be taken that she has some reasonable income. I make this will upon the faith of what has been said to me by friends, of means which will be found to carry out my reasonable wishes. It is best that Mrs. Webster's life-interest in the two estates be purchased out. It must be

seen what can be done with friends at Boston, and especially with the contributors to my life-annuity. My son-in-law, Mr. Appleton, has generously requested me to pay little regard to his interests, or to those of his children; but I must do something, and enough to manifest my warm love and attachment to him and them. The property best to be spared for the purpose of buying out Mrs. Webster's life-interest under the marriage-settlement, is Franklin, which is very valuable property, and which may be sold under prudent management, or mortgaged for a considerable sum.

"I have also a quantity of valuable land in Illinois, at Peru, which ought to be immediately seen after. Mr. Edward Curtis and Mr. Blatchford and Mr. Franklin Haven know all about my large debts; and they have undertaken to see at once whether those can be provided for, so that these purposes may probably be carried into effect.

"With these explanations, I now make the following provisions, namely:

"ITEM. I appoint my wife, Caroline Le Roy Webster, my son, Fletcher Webster, and R. M. Blatchford, Esquire, of New York, to be the executors of this will. I wish my said executors, and also the trustees hereinafter named, in all things relating to finance and pecuniary matters, to consult with my valued friend, Franklin Haven; and in all things respecting Marshfield, with Charles Henry Thomas, always an intimate friend, and one whom I love for his own sake and that of his family; and in all things respecting Franklin, with that true man, John Taylor; and I wish them to consult in all matters of law with my brethren and highly-esteemed friends, Charles P. Curtis and George T. Curtis.

"ITEM. I give and devise to James W. Paige and Franklin Haven, of Boston, and Edward Curtis, of New

York, all my real estate in the towns of Marshfield, in the State of Massachusetts, and Franklin, in the State of New Hampshire, being the two estates above mentioned, to have and to hold the same to them and their heirs and assigns forever, upon the following *trusts*, namely:

"*First.* To mortgage, sell, or lease so much thereof as may be necessary to pay to my wife, Caroline Le Roy Webster, the estimated value of her life-interest, heretofore secured to her thereon by marriage-settlement, as is above recited, if she shall elect to receive that valuation in place of the security with which those estates now stand charged.

"*Secondly.* To pay to my said wife, from the rents and profits and income of the said two estates, the further sum of five hundred dollars per annum during her natural life.

"*Thirdly.* To hold, manage, and carry on the said two estates, or so much thereof as may not be sold for the purposes aforesaid, for the use of my son, Fletcher Webster, during his natural life, and after his decease to convey the same in fee to such of his male descendants as a majority of the said trustees may elect, they acting therein with my son's concurrence, if circumstances admit of his expressing his wishes, otherwise acting upon their own discretion; it being my desire that his son Ashburton Webster take one, and his son Daniel Webster, Jr., the other of the said estates.

"ITEM. I direct that my wife, Caroline Le Roy Webster, have, and I hereby give to her, the right during her life to reside in my mansion-house, at Marshfield, when she wishes to do so, with my son, in case he may reside there, or in his absence; and this I do, not doubting my son's affection for her or for me, but because it is due to her that she should receive this right from her husband.

"ITEM. I give and bequeath to the said James W. Paige, Franklin Haven, and Edward Curtis, all the books,

plate, pictures, statuary, and furniture, and other personal property now in my mansion-house at Marshfield, except such articles as are hereinafter otherwise disposed of, in trust to preserve the same in the mansion-house for the use of my son, Fletcher Webster, during his life, and after his decease to make over and deliver the same to the person who will then become 'the owner of the estate of Marshfield,' it being my desire and intention that they remain attached to the house while it is occupied by any of my name and blood.

"ITEM. I give and bequeath to my said wife all my furniture which she brought with her on her marriage, and the silver plate purchased of Mr. Rush, for her own use.

"ITEM. I give, devise, and bequeath to my said executors all my other real and personal estate, except such as is hereafter described and otherwise disposed of, to be applied to the execution of the general purposes of this will, and to be sold and disposed of, or held and used at Marshfield, as they and the said trustees may find to be expedient.

"ITEM. I give and bequeath to my son, Fletcher Webster, all my law-books, wherever situated, for his own use.

"ITEM. I give and bequeath to my son-in-law, Samuel A. Appleton, my California watch and chain, for his own use.

"ITEM. I give and bequeath to my grand-daughter, Caroline Le Roy Appleton, the portrait of myself, by Healy, which now hangs in the southeast parlor, at Marshfield, for her own use.

"ITEM. I give and bequeath to my grandson, Samuel A. Appleton, my gold snuff-box, with the head of General Washington, all my fishing-tackle, and my Selden and Wilmot guns, for his own use.

"ITEM. I give and bequeath to my grandson, Daniel

Webster Appleton, my Washington medals, for his own use.

"ITEM. I give and bequeath to my grand-daughter, Julia Webster Appleton, the clock presented to her grand mother by the late Hon. George Blake.

"ITEM. I appoint Edward Everett, George Ticknor, Cornelius Conway Felton, and George Ticknor Curtis, to be my literary executors; and I direct my son, Fletcher Webster, to seal up all my letters, manuscripts, and papers, and at a proper time to select those relating to my personal history and my professional and public life, which in his judgment should be placed at their disposal, and to transfer the same to them, to be used by them in such manner as they may think fit. They may receive valuable aid from my friend, George J. Abbott, Esq., now of the State Department.

"My servant, William Johnson, is a free man. I bought his freedom not long ago for six hundred dollars. No demand is to be made upon him for any portion of this sum; but, so long as is agreeable, I hope he will remain with the family.

"ITEM. Morricha McCarty, Sarah Smith, and Ann Bean, colored persons, now also and for a long time in my service, are all free. They are very well deserving, and whoever comes after me must be kind to them.

"ITEM. I request that my said executors and trustees be not required to give bonds for the performance of their respective duties under this will.

"In testimony whereof, I have hereunto set my hand and seal, at Marshfield, and have published and declared this to be my last will and testament, on the 21st day of October, A.D. 1852."

The day after this will was written, but not signed or executed, a very alarming symptom of Mr. Webster's dis-

ease occurred. He suddenly vomited a large quantity of blood. "That," said he to his attending physician, "is the enemy: if you can conquer that"—here his utterance was interrupted by a repetition of the attack. As soon as the spasm had passed over, he summoned his family around him, and executed his will, after having ascertained that all its provisions were agreeable to those who were interested in it. Having finished this important matter, he remarked, "I thank God for strength to perform a sensible act," and then engaged in prayer. After some minutes were spent in this exercise, he concluded by exclaiming, "And now unto God, the Father, the Son, and the Holy Ghost, be praise for evermore. Peace on earth, and good will toward men. *That* is the happiness,—the essence,—good will toward men." Observing the anxious face of Dr. Jeffries, his attending physician, he afterward said, "Doctor, you think I shall not be here in the morning; but I shall: I shall greet the morning light." His prophecy was true. He *did* see the morning light once more; and during the progress of the day he said to the doctor, "Cheer up, doctor, cheer up: I shall not die to-day. You will get me along *to-day*." On the morning of Saturday, the 23d, he at last declared expressly to the physician, "*I shall die to-night;*" and herein also the prediction proved to be a true one.

The most curious incident in reference to the death of Daniel Webster is the fact that he seemed to have resolved to watch the process of his own dissolution; to employ his intellectual faculties in scrutinizing the successive steps or progress of that mysterious and wondrous change which takes place when the soul, gradually severing the bonds which bind her to her tenement of clay, attains her disembodied state, terminates her direct contact and relation to things temporal and material, and passes away to experience

and explore the realities of another world. Of no other mortal, either distinguished or obscure, is a similar eccentricity recorded; but it is precisely such a development of mental power and tendency which might have been expected from Daniel Webster. Accordingly, during the downward progress of his disease, he continued to watch every symptom; and his intellectual faculties, instead of becoming weaker, dimmer, fainter, as the great crisis approached, seemed to retain their customary power. How far this colossal intellect was able to carry its conscious scrutiny of its own experiences into the solemn and marvellous mysteries of death, it is impossible to say; nor can any process of reasoning prove that this scrutiny might not have been persisted in, even till the termination of the struggle of dissolving nature, and till the full freedom of the disembodied spirit had been attained; but it is evident that Mr. Webster's singular display of conscious thought and watchful observation continued much longer and farther within the dark valley and shadow of death than that recorded of any other human being; and that, until the body lost all power of movement and sensation, his mind, the inward yet departing sentinel, continued to use it as a means of indicating outwardly to those around him, the existence of his consciousness and of his observation of his progressing state. His last words, as if intended to assure those who were near him that though his body was dying his mind did not share in its decay, were, "I still live!" His spirit ascended to the God who gave it, with all its vast capacities, at twenty-three minutes before three o'clock on the morning of the 24th of October, 1852. He was in the seventy-first year of his age.

As a whole, the character of Daniel Webster is one of the most massive and remarkable which the history of our country has produced; while his career presents a

fulness and completeness which have fallen to the lot of very few great men, and which are highly pleasing to the mind of the thoughtful observer. Mr. Webster was the Alexander Hamilton of the *second era* of the history of this Confederacy; and he resembled that illustrious orator and statesman in many important points of his intellectual and personal character. Hamilton's was the most original and powerful intellect of his era; and the same pre-eminence belongs to Mr. Webster. Hamilton's mind possessed great variety and diversity of faculties; and so also did Mr. Webster's. As no other American statesman could have written those portions of the Federalist which Hamilton contributed, so no statesman of Webster's era could have delivered his speech in reply to Hayne, or on the Compromise measures. Both of these men were eminent as lawyers, as political orators, as the originators of new expedients, and as general scholars. Hamilton's mind was the more fertile, the more elastic, the more brilliant, of the two; Webster's was the more colossal, the more ponderous, slower in movement, but perhaps ultimately more powerful in effect. Unhappily for Hamilton, his brilliant career was cut short when in the acme of its splendor, by the hand of death; while Mr. Webster's was fortunately continued during a long series of years, until the usual limit of man's existence. And as no human character is perfect, or free from some shadow of defect, it deserves to be noted that even the single vice of which both these great men were charged was the same; for both were unduly influenced by the potent yet perverted fascinations of the gentler and fairer sex.

Among the prominent personal traits of Mr. Webster may be mentioned his fondness for the details and experiments of agriculture. On that subject his conversation was always remarkably interesting and instructive. His

farm at Marshfield was tilled in an admirable manner; and he introduced every new improvement, and imported the best breeds of cattle, from foreign countries, with the interest of the most enthusiastic connoisseur. He had spent his youth amid the bracing and healthful occupations of husbandry; and he ever afterward retained a fond attachment for the associations and experiences of the farm-house, the country, and the rural solitude.

He was also a great lover of books; and a large apartment in his house at Marshfield was appropriated to the use of his library. This was a very extensive and valuable one, comprising some thousands of volumes in every department of science and learning; and its cost to him was nearly thirty thousand dollars. His amusements were such as became so remarkable a man; for he delighted in the quiet excitement of fishing with all the ardor of Izaac Walton himself. The restless billows of old ocean lave the outskirts of his farm at Marshfield; and on its tempest-beaten strand the great statesman delighted often to wander alone, to gaze upon its far-extending and ever-shifting expanse of waters, and to listen to the mournful music of its multitudinous murmurs. What an interesting sight must that have been to the curious stranger who may have come from a distance to see the illustrious statesman, to behold his portly form for the first time, alone on the sandy beach, gazing thoughtfully out upon the wide waste of waters, and lost in meditations, reflections, and reminiscences such as those in which he only could have indulged! Not even Marius sitting in solitude amid the ruins of Carthage, nor Napoleon standing on the rocky and beetling cliffs of St. Helena, presents to our mind a more impressive or interesting picture.

One great merit of Mr. Webster's mental character was the admirable proportion of all his faculties. Other jurists

in the land have possessed more legal learning; other orators have uttered more moving, rhapsodical, popular eloquence; other politicians have shown more tact, and more insight into the perfidious workings of human nature, as developed by the vicissitudes of party; other savans have had more scientific culture; but as a complete and majestic whole, Mr. Webster had no equal in the history of his times for an assemblage of great and rare qualities combined together in one intellect. No other man possessed so many different great faculties developed to the same wondrous and extreme degree.

As an orator, Mr. Webster's manner did not exhibit the same winning and mellifluous fluency which characterized the speeches of Henry Clay. On ordinary occasions his delivery was rather dull and heavy; but when fully aroused by the exigencies of some important crisis, *then* he was matchless. He was a giant, who launched his forensic thunderbolts with a degree of power which no other orator of modern times possessed. His speeches always read to advantage when printed, which effect resulted from the inherent substance and superior value which they contained; whereas the orations of Mr. Clay lost their most potent charm and their greatest merit the moment they were committed to paper. The reason of this peculiarity was, because with Mr. Clay the chief excellence was the delivery; with Mr. Webster the main value was the substance. Yet the speeches of Mr. Webster were not devoid of the beauties of the imagination; for he was a lover of poetry, was familiar with the best productions of the modern muse, and frequently quoted select and appropriate passages from his favorite authors with great effect and propriety. His memory, indeed, was accurate and tenacious to a very rare degree; and it

was richly stored with all the treasures of varied knowledge.

As a reasoner, Mr. Webster was a match even for the great master of logic in the Senate, Mr. John C. Calhoun. In all his arguments and combats with that able man, he ever proved his superiority to him, even on his favorite field of intellectual effort. No sophistry could blind him; no metaphysical labyrinth of specious ratiocination could mislead or delude him as to the true fact or principles involved in the case. He probed to the bottom of every subject, and brought up the gem of truth to the light of day, however deeply it may have laid embedded in the depths of the abyss of error and of falsehood. When occasion called for the display of sarcasm and invective, no orator could ever exceed him in the use of those formidable and terrible weapons. Let the discomfiture of Mr. Hayne, and the obliteration of Mr. Ingersoll, bear witness to his destructive power in this respect. In general, he was mild and courteous in his intercourse with his fellow-men, and was ever ready to extend the generous hand of charity to those who might desire or request his interposition. At the same time, he was dauntless and full of fortitude. No opposition or hostile combination could terrify or move him. At one time a ponderous load of public opprobrium and censure lay upon his shoulders,—a fate which also fell to the lot of Henry Clay at a certain period of his career; but he bore that burden, as did the great Kentucky statesman, as superior and powerful natures always endure calamities and vicissitudes of that description, with a dignified, undaunted, and defiant self-reliance, not unmingled with contempt for his persecutors, which sustained him successfully even during his darkest hour. As the expounder and defender of the Federal Constitution, he was unrivalled; and his

judgments and opinions on that important subject will always remain indisputable and unanswerable *dicta*, for the future guidance and instruction of his countrymen.

The contemplation of the fame of such a man is a pleasing theme for those who rejoice in the excellence and elevation of human nature. It shows us how great, how noble, how powerful, humanity can become, and reminds us that, while the history of the race is filled with countless proofs of its imbecility, misery, and degradation, such defects are not inherent in the nature and destiny of humanity; but that it may, and it sometimes does, rise in majesty and grandeur to an equality even with angels. Mr. Webster's fame is immortal; for it is indissolubly identified with the growing greatness of that vast Confederacy whose federal unity in critical times he more than once preserved from ruin. He needs no better monument than the living and perpetual memory of his own great thoughts and deeds. Men may erect statues to his honor; the sculptor may transfer to the speaking marble the faultless semblance of his person; the skilful painter may depict on the breathing canvas that form and those features which overawed and impressed his own generation with a clear consciousness of his vast superiority: all these expedients are useless; for, though dead, he yet speaketh; and he will continue to speak, until the last hour of recorded time, as one of the most profound, most patriotic, and most eloquent of Americans.

SPEECHES OF DANIEL WEBSTER.

I.

MR. WEBSTER'S REPLY TO MR. HAYNE.

In the United States Senate, January 26, 1830.

Following Mr. Hayne in the debate, Mr. Webster addressed the Senate as follows:

Mr. President: When the mariner has been tossed, for many days, in thick weather, and on an unknown sea, he naturally avails himself of the first pause in the storm, the earliest glance of the sun, to take his latitude, and ascertain how far the elements have driven him from his true course. Let us imitate this prudence, and, before we float farther, refer to the point from which we departed, that we may at least be able to conjecture where we now are. I ask for the reading of the resolution.

[The Secretary read the resolution, as follows:

"*Resolved*, That the committee on public lands be instructed to inquire and report the quantity of the public lands remaining unsold within each State and Territory, and whether it be expedient to limit, for a certain period, the sales of the public lands to such lands only as have heretofore been offered for sale and are now subject to entry at the minimum price. And, also, whether the office of surveyor-general, and some of the land-offices, may not

be abolished without detriment to the public interest; or whether it be expedient to adopt measures to hasten the sales and extend more rapidly the surveys of the public lands."]

We have thus heard, sir, what the resolution is, which is actually before us for consideration; and it will readily occur to every one that it is almost the only subject about which something has not been said in the speech, running through two days, by which the Senate has been now entertained by the gentleman from South Carolina. Every topic in the wide range of our public affairs, whether past or present,—every thing, general or local, whether belonging to national politics or party politics,—seems to have attracted more or less of the honorable member's attention, save only the resolution before us. He has spoken of every thing but the public lands. They have escaped his notice. To that subject, in all his excursions, he has not paid even the cold respect of a passing glance.

When this debate, sir, was to be resumed, on Thursday morning, it so happened that it would have been convenient for me to be elsewhere. The honorable member, however, did not incline to put off the discussion to another day. He had a shot, he said, to return, and he wished to discharge it. That shot, sir, which it was kind thus to inform us was coming, that we might stand out of the way, or prepare ourselves to fall before it, and die with decency, has now been received. Under all advantages, and with expectation awakened by the tone which preceded it, it has been discharged, and has spent its force. It may become me to say no more of its effect than that, if nobody is found, after all, either killed or wounded by it, it is not the first time in the history of human affairs that the vigor and success of the war have not quite come up to the lofty and sounding phrase of the manifesto.

The gentleman, sir, in declining to postpone the debate, told the Senate, with the emphasis of his hand upon his heart, that there was something rankling *here*, which he wished to relieve. [Mr. Hayne rose and disclaimed having used the word *rankling*.] It would not, Mr. President, be safe for the honorable member to appeal to those around him, upon the question whether he did, in fact, make use of that word. But he may have been unconscious of it. At any rate, it is enough that he disclaims it. But still, with or without the use of that particular word, he had yet something *here*, he said, of which he wished to rid himself by an immediate reply. In this respect, sir, I have a great advantage over the honorable gentleman. There is nothing *here*, sir, which gives me the slightest uneasiness; neither fear, nor anger, nor that which is sometimes more troublesome than either,—the consciousness of having been in the wrong. There is nothing either originating *here*, or now received here by the gentleman's shot. Nothing original, for I had not the slightest feeling of disrespect or unkindness toward the honorable member. Some passages, it is true, had occurred, since our acquaintance in this body, which I could have wished might have been otherwise; but I had used philosophy, and forgotten them. When the honorable member rose, in his first speech, I paid him the respect of attentive listening; and when he sat down, though surprised, and I must say even astonished, at some of his opinions, nothing was further from my intention than to commence any personal warfare; and through the whole of the few remarks I made in answer, I avoided, studiously and carefully, every thing which I thought possible to be construed into disrespect. And, sir, while there is thus nothing originating *here*, which I wished at any time, or now wish, to discharge, I must repeat, also, that nothing has been received *here* which *rankles*, or in any way gives

me annoyance. I will not accuse the honorable member of violating the rules of civilized war: I will not say that he poisoned his arrows. But whether his shafts were, or were not, dipped in that which would have caused rankling if they had reached, there was not, as it happened, quite strength enough in the bow to bring them to their mark. If he wishes now to find those shafts, he must look for them elsewhere: they will not be found fixed and quivering in the object at which they were aimed.

The honorable member complained that I had slept on his speech. I must have slept on it, or not slept at all. The moment the honorable member sat down, his friend from Missouri rose, and, with much honeyed commendation of the speech, suggested that the impressions which it had produced were too charming and delightful to be disturbed by other sentiments or other sounds, and proposed that the Senate should adjourn. Would it have been quite amiable in me, sir, to interrupt this excellent good feeling? Must I not have been absolutely malicious, if I could have thrust myself forward to destroy sensations thus pleasing? Was it not much better and kinder, both to sleep upon them myself, and to allow others, also, the pleasure of sleeping upon them? But if it be meant, by sleeping upon his speech, that I took time to prepare a reply to it, it is quite a mistake. Owing to other engagements, I could not employ even the interval between the adjournment of the Senate and its meeting the next morning in attention to the subject of this debate. Nevertheless, sir, the mere matter of fact is undoubtedly true: I did sleep on the gentleman's speech, and slept soundly. And I slept equally well on his speech of yesterday, to which I am now replying. It is quite possible that, in this respect also, I possess some advantage over the honorable member, attributable, doubtless, to a cooler temperament on my

part; for, in truth, I slept upon his speeches remarkably well. But the gentleman inquires why he was made the object of such a reply. Why was he singled out? If an attack had been made on the East, he, he assures us, did not begin it: it was the gentleman from Missouri. Sir, I answered the gentleman's speech because I happened to hear it; and because, also, I chose to give an answer to that speech, which, if unanswered, I thought most likely to produce injurious impressions. I did not stop to inquire who was the original drawer of the bill. I found a responsible endorser before me, and it was my purpose to hold him reliable, and to bring him to his just responsibility without delay. But, sir, this interrogatory of the honorable member was only introductory to another. He proceeded to ask me whether I had turned upon him in this debate from the consciousness that I should find an overmatch if I ventured on a contest with his friend from Missouri. If, sir, the honorable member, *ex gratia modestiæ*, had chosen thus to defer to his friend, and to pay him a compliment, without intentional disparagement to others, it would have been quite according to the friendly courtesies of debate, and not at all ungrateful to my own feelings. I am not one of those, sir, who esteem any tribute of regard, whether light and occasional, or more serious and deliberate, which may be bestowed on others, as so much unjustly withholden from themselves. But the tone and manner of the gentleman's question forbid me thus to interpret it. I am not at liberty to consider it as nothing more than a civility to his friend. It had an air of taunt and disparagement, a little of the loftiness of asserted superiority, which does not allow me to pass it over without notice. It was put as a question for me to answer, and so put as if it were difficult for me to answer, whether I deemed the member from Missouri an overmatch for myself in debate here. It

seems to me, sir, that is extraordinary language, and an extraordinary tone for the discussions of this body.

Matches and overmatches! Those terms are more applicable elsewhere than here, and fitter for other assemblies than this. Sir, the gentleman seems to forget where and what we are. This is a Senate; a Senate of equals; of men of individual honor and personal character, and of absolute independence. We know no masters; we acknowledge no dictators. This is a hall for mutual consultation and discussion, not an arena for the exhibition of champions. I offer myself, sir, as a match for no man; I throw the challenge of debate at no man's feet. But then, sir, since the honorable member has put the question in a manner that calls for an answer, I will give him an answer; and I tell him that, holding myself to be the humblest of the members here, I yet know nothing in the arm of his friend from Missouri, either alone or when aided by the arm of his friend from South Carolina, that need deter even me from espousing whatever opinions I may choose to espouse, from debating whenever I may choose to debate, or from speaking whatever I may see fit to say on the floor of the Senate. Sir, when uttered as matter of commendation or compliment, I should dissent from nothing which the honorable member might say of his friend. Still less do I put forth any pretensions of my own. But when put to me as matter of taunt, I throw it back, and say to the gentleman that he could possibly say nothing less likely than such a comparison to wound my pride of personal character. The anger of its tone rescued the remark from intentional irony, which otherwise, probably, would have been its general acceptation. But, sir, if it be imagined that by this mutual quotation and commendation; if it be supposed that, by casting the characters of the drama, assigning to each his part,—to one the attack, to another the

cry of onset,—or if it be thought that by a loud and empty vaunt of anticipated victory any laurels are to be won here; if it be imagined, especially, that any or all these things will shake any purpose of mine, I can tell the honorable member, once for all, that he is greatly mistaken, and that he is dealing with one of whose temper and character he has yet much to learn. Sir, I shall not allow myself, on this occasion,—I hope on no occasion,—to be betrayed into any loss of temper; but if provoked, as I trust I never shall allow myself to be, into crimination and recrimination, the honorable member may, perhaps, find that in that contest there will be blows to take as well as blows to give; that others can state comparisons as significant, at least, as his own; and that his impunity may, perhaps, demand of him whatever powers of taunt and sarcasm he may possess. I commend him to a prudent husbandry of his resources.

But, sir, the coalition! The coalition! Ay, "the murdered coalition!" The gentleman asks if I were led or frighted into this debate by the spectre of the coalition. "Was it the ghost of the murdered coalition," he exclaims, "which haunted the member from Massachusetts, and which, like the ghost of Banquo, would never down?" "The murdered coalition!" Sir, this charge of coalition, in reference to the late administration, is not original with the honorable member. It did not spring up in the Senate. Whether as a fact, as an argument, or as an embellishment, it is all borrowed. He adopts it, indeed, from a very low origin, and a still lower present condition. It is one of the thousand calumnies with which the press teemed during an excited political canvass. It was a charge of which there was not only no proof or probability, but which was, in itself, wholly impossible to be true. No man of common information ever believed a syllable of it. Yet it was

of that class of falsehoods which, by continued repetition through all the organs of detraction and abuse, are capable of misleading those who are already far misled, and of further fanning passion already kindled into flame. Doubtless it served its day, and, in a greater or less degree, the end designed by it. Having done that, it has sunk into the general mass of stale and loathed calumnies. It is the very cast-off slough of a polluted and shameless press. Incapable of further mischief, it lies in the sewer, lifeless and despised. It is not now, sir, in the power of the honorable member to give it dignity or decency, by attempting to elevate it, and to introduce it into the Senate. He cannot change it from what it is,—an object of general disgust and scorn. On the contrary, the contact, if he choose to touch it, is more likely to drag him down, down, to the place where it lies itself.

But, sir, the honorable member was not, for other reasons, entirely happy in his allusion to the story of Banquo's murder and Banquo's ghost. It was not, I think, the friends, but the enemies of the murdered Banquo, at whose bidding his spirit would not down. The honorable gentleman is fresh in his reading of the English classics, and can put me right if I am wrong; but, according to my poor recollection, it was at those who had begun with caresses, and ended with foul and treacherous murder, that the gory locks were shaken. The ghost of Banquo, like that of Hamlet, was an honest ghost. It disturbed no innocent man. It knew where its appearance would strike terror, and who would cry out, A ghost! It made itself visible in the right quarter, and compelled the guilty and the conscience-smitten, and none others, to start, with

> "Prithee, see there! behold!—look! lo!
> If I stand here, I saw him!"

Their eyeballs were seared—was it not so, sir?—who had thought to shield themselves by concealing their own hand, and laying the imputation of the crime on a low and hireling agency in wickedness; who had vainly attempted to stifle the workings of their own coward consciences, by ejaculating, through white lips and chattering teeth, "Thou canst not say I did it!" I have misread the great poet, if it was those who had noway partaken in the deed of death, who either found that they were, *or feared that they should be*, pushed from their stools by the ghost of the slain, or who cried out to a spectre created by their own fears and their own remorse, "Avaunt! and quit our sight!"

There is another particular, sir, in which the honorable member's quick perception of resemblances might, I should think, have seen something in the story of Banquo, making it not altogether a subject of the most pleasant contemplation. Those who murdered Banquo, what did they win by it? Substantial good? Permanent power? Or disappointment, rather, and sore mortification—dust and ashes—the common fate of vaulting ambition overleaping itself? Did not even-handed justice, ere long, commend the poisoned chalice to their own lips? Did they not soon find that for another they had "filed their mind"?—that their ambition, though apparently for the moment successful, had but put a barren sceptre in their grasp? Ay, sir,—

> "A barren sceptre in their gripe,
> *Thence to be wrench'd by an unlineal hand,*
> *No son of theirs succeeding.*"

Sir, I need pursue the allusion no further. I leave the honorable gentleman to run it out at his leisure, and to derive from it all the gratification it is calculated to administer. If he finds himself pleased with the associa-

tions, and prepared to be quite satisfied, though the parallel should be entirely completed, I had almost said I am satisfied also; but that I shall think of. Yes, sir, I will think of that.

In the course of my observations the other day, Mr. President, I paid a passing tribute of respect to a very worthy man, Mr. Dane, of Massachusetts. It so happened, that he drew the ordinance of 1787 for the government of the Northwestern Territory. A man of so much ability, and so little pretence; of so great a capacity to do good, and so unmixed a disposition to do it for its own sake; a gentleman who acted an important part, forty years ago, in a measure the influence of which is still deeply felt in the very matter which was the subject of debate, might, I thought, receive from me a commendatory recognition.

But the honorable member was inclined to be facetious on the subject. He was rather disposed to make it matter of ridicule that I had introduced into the debate the name of one Nathan Dane, of whom he assures us he had never before heard. Sir, if the honorable member had never before heard of Mr. Dane, I am sorry for it. It shows him less acquainted with the public men of the country than I had supposed. Let me tell him, however, that a sneer from him at the mention of the name of Mr. Dane is in bad taste. It may well be a high mark of ambition, sir, either with the honorable gentleman or myself, to accomplish as much to make our names known to advantage, and remembered with gratitude, as Mr. Dane has accomplished. But the truth is, sir, I suspect Mr. Dane lives a little too far north. He is of Massachusetts, and too near the North Star to be reached by the honorable gentleman's telescope. If his sphere had happened to range

south of Mason and Dixon's line, he might, probably, have come within the scope of his vision!

I spoke, sir, of the ordinance of 1787, which prohibited slavery in all future time northwest of the Ohio, as a measure of great wisdom and foresight, and one which had been attended with highly beneficial and permanent consequences. I supposed that on this point no two gentlemen in the Senate could entertain different opinions. But the simple expression of this sentiment has led the gentleman, not only into a labored defence of slavery in the abstract, and on principle, but also into a warm accusation against me, as having attacked the system of domestic slavery now existing in the Southern States. For all this there was not the slightest foundation in any thing said or intimated by me. I did not utter a single word which any ingenuity could torture into an attack on the slavery of the South. I said only that it was highly wise and useful, in legislating for the Northwestern country, while it was yet a wilderness, to prohibit the introduction of slaves; and added, that I presumed, in the neighboring State of Kentucky, there was no reflecting and intelligent gentleman who would doubt that, if the same prohibition had been extended, at the same early period, over that commonwealth, her strength and population would, at this day, have been far greater than they are. If these opinions be thought doubtful, they are, nevertheless, I trust, neither extraordinary nor disrespectful. They attack nobody and menace nobody. And yet, sir, the gentleman's optics have discovered, even in the mere expression of this sentiment, what he calls the very spirit of the Missouri question! He represents me as making an onset on the whole South, and manifesting a spirit which would interfere with and disturb their domestic condition. Sir, this injustice no otherwise surprises me than as it is

done here, and done without the slightest pretence of ground for it. I say it only surprises me as being done here; for I know full well that it is and has been the settled policy of some persons in the South, for years, to represent the people of the North as disposed to interfere with them in their own exclusive and peculiar concerns. This is a delicate and sensitive point in Southern feeling; and of late years it has always been touched, and generally with effect, whenever the object has been to unite the whole South against Northern men or Northern measures. This feeling, always carefully kept alive, and maintained at too intense a heat to admit discrimination or reflection, is a lever of great power in our political machine. It moves vast bodies, and gives to them one and the same direction. But the feeling is without adequate cause, and the suspicion which exists wholly groundless. There is not, and never has been, a disposition in the North to interfere with these interests of the South. Such interference has never been supposed to be within the power of Government, nor has it been in any way attempted. It has always been regarded as a matter of domestic policy, left with the States themselves, and with which the Federal Government had nothing to do. Certainly, sir, I am, and ever have been, of that opinion. The gentleman, indeed, argues that slavery in the abstract is no evil. Most assuredly I need not say I differ with him altogether and most widely on that point. I regard domestic slavery as one of the greatest of evils, both moral and political. But, though it be a malady, and whether it be curable, and if so, by what means, or, on the other hand, whether it be the *vulnus immedicabile* of the social system, I leave it to those whose right and duty it is to inquire and to decide. And this I believe,

sir, is, and uniformly has been, the sentiment of the North. Let us look a little at the history of this matter.

When the present Constitution was submitted for the ratification of the people, there were those who imagined that the powers of the government which it proposed to establish might, perhaps, in some possible mode, be exerted in measures tending to the abolition of slavery. This suggestion would, of course, attract much attention in the Southern conventions. In that of Virginia, Governor Randolph said,

"I hope there is none here, who, considering the subject in the calm light of philosophy, will make an objection dishonorable to Virginia—that, at the moment they are securing the rights of their citizens, an objection is started, that there is a spark of hope that those unfortunate men now held in bondage may, by the operation of the General Government, be made free."

At the very first Congress, petitions on the subject were presented, if I mistake not, from different States. The Pennsylvania Society for Promoting the Abolition of Slavery took a lead, and laid before Congress a memorial, praying Congress to promote the abolition by such powers as it possessed. This memorial was referred, in the House of Representatives, to a select committee, consisting of Mr. Foster, of New Hampshire, Mr. Gerry, of Massachusetts, Mr. Huntington, of Connecticut, Mr. Lawrence, of New York, Mr. Sinnickson, of New Jersey, Mr. Hartley, of Pennsylvania, and Mr. Parker, of Virginia; all of them, sir, as you will observe, Northern men, but the last. This committee made a report, which was committed to a committee of the whole House, and there considered and discussed on several days; and being amended, although in no material respect, it was made to express three distinct propositions on the subjects of slavery and the slave-trade.

First, in the words of the Constitution, that Congress could not, prior to the year 1808, prohibit the migration or importation of such persons as any of the States then existing should think proper to admit. Second, that Congress had authority to restrain the citizens of the United States from carrying on the African slave-trade for the purpose of supplying foreign countries. On this proposition, our early laws against those who engage in that traffic are founded. The third proposition, and that which bears on the present question, was expressed in the following terms:

"*Resolved*, That Congress have no authority to interfere in the emancipation of slaves, or in the treatment of them in any of the States; it remaining with the several States alone to provide rules and regulations therein which humanity and true policy may require."

This resolution received the sanction of the House of Representatives so early as March, 1790. And now, sir, the honorable member will allow me to remind him, that not only were the select committee who reported the resolution, with a single exception, all Northern men, but also that of the members then composing the House of Representatives, a large majority, I believe nearly two-thirds, were Northern men also.

The House agreed to insert these resolutions in its journal; and, from that day to this, it has never been maintained or contended that Congress had any authority to regulate or interfere with the condition of slaves in the several States. No Northern gentleman, to my knowledge, has moved any such question in either House of Congress.

The fears of the South, whatever fears they might have entertained, were allayed and quieted by this early decision; and so remained, till they were excited afresh, with-

out cause, but for collateral and indirect purposes. When it became necessary, or was thought so, by some political persons, to find an unvarying ground for the exclusion of Northern men from confidence and from lead in the affairs of the Republic, then, and not till then, the cry was raised, and the feeling industriously excited, that the influence of Northern men in the public councils would endanger the relation of master and slave. For myself, I claim no other merit, than that this gross and enormous injustice toward the whole North has not wrought upon me to change my opinions, or my political conduct. I hope I am above violating my principles, even under the smart of injury and false imputations. Unjust suspicions and undeserved reproach, whatever pain I may experience from them, will not induce me, I trust, nevertheless, to overstep the limits of constitutional duty, or to encroach on the rights of others. The domestic slavery of the South I leave where I find it—in the hands of their own Governments. It is their affair, not mine. Nor do I complain of the peculiar effect which the magnitude of that population has had in the distribution of power under this Federal Government. We know, sir, that the representation of the States in the other House is not equal. We know that great advantage in that respect is enjoyed by the slaveholding States; and we know, too, that the intended equivalent for that advantage—that is to say, the imposition of direct taxes in the same ratio—has become merely nominal; the habit of the Government being almost invariably to collect its revenues from other sources and in other modes. Nevertheless, I do not complain; nor would I countenance any movement to alter this arrangement of representation. It is the original bargain, the compact: let it stand; let the advantage of it be fully enjoyed. The Union itself is too full of benefit to be hazarded in propositions for changing its

original basis. I go for the Constitution as it is, and for the Union as it is. But I am resolved not to submit, in silence, to accusations, either against myself individually, or against the North, wholly unfounded and unjust—accusations which impute to us a disposition to evade the constitutional compact and to extend the power of the Government over the internal laws and domestic condition of the States. All such accusations, wherever and whenever made, all insinuations of the existence of any such purposes, I know and feel to be groundless and injurious. And we must confide in Southern gentlemen themselves; we must trust to those whose integrity of heart and magnanimity of feeling will lead them to a desire to maintain and disseminate truth, and who possess the means of its diffusion with the Southern public; we must leave it to them to disabuse that public of its prejudices. But in the mean time, for my own part, I shall continue to act justly, whether those toward whom justice is exercised receive it with candor or with contumely.

Having had occasion to recur to the ordinance of 1787, in order to defend myself against the inferences which the honorable member has chosen to draw from my former observations on that subject, I am not willing now entirely to take leave of it without another remark. It need hardly be said, that that paper expresses just sentiments on the great subject of civil and religious liberty. Such sentiments were common, and abound in all our State papers of that day. But this ordinance did that which was not so common, and which is not, even now, universal; that is, it set forth and declared, *as a high and binding duty of Government itself*, to encourage schools and advance the means of education; on the plain reason that religion, morality, and knowledge are necessary to good government and the happiness of mankind. One observation

further. The important provision incorporated into the Constitution of the United States, and several of those of the States, and recently, as we have seen, adopted into the reformed Constitution of Virginia, restraining legislative power in questions of private right and from impairing the obligation of contracts, is first introduced and established, as far as I am informed, as matter of express written constitutional law, in this ordinance of 1787. And I must add, also, in regard to the author of the ordinance, who has not had the happiness to attract the gentleman's notice heretofore, nor to avoid his sarcasm now, that he was chairman of that select committee of the old Congress whose report first expressed the strong sense of that body that the old Confederation was not adequate to the exigencies of the country, and recommending to the States to send delegates to the convention which formed the present Constitution.

An attempt has been made to transfer from the North to the South the honor of this exclusion of slavery from the Northwestern Territory. The journal, without argument or comment, refutes such attempt. The session of Virginia was made March, 1784. On the 19th of April following, a committee, consisting of Messrs. Jefferson, Chase, and Howell, reported a plan for a temporary government of the Territory, in which was this article: "That after the year 1800 there shall be neither slavery nor involuntary servitude in any of the said States, otherwise than in punishment of crimes whereof the party shall have been convicted." Mr. Speight, of North Carolina, moved to strike out this paragraph. The question was put, according to the form then practised: "Shall these words stand, as part of the plan," &c. New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania—seven States—voted in the

affirmative; Maryland, Virginia, and South Carolina in the negative. North Carolina was divided. As the consent of nine States was necessary, the words could not stand, and were struck out accordingly. Mr. Jefferson voted for the clause, but was overruled by his colleagues.

In March of the next year, (1785,) Mr. King, of Massachusetts, seconded by Mr. Ellery, of Rhode Island, proposed the formerly-rejected article, with this addition: "*And that this regulation shall be an article of compact, and remain a fundamental principle of the Constitution, between the thirteen original States and each of the States described in the resolve,*" &c. On this clause, which provided the adequate and thorough security, the eight Northern States, at that time, voted affirmatively, and the four Southern States negatively. The votes of nine States were not yet obtained, and thus the provision was again rejected by the Southern States. The perseverance of the North held out, and two years afterward the object was attained. It is no derogation from the credit, whatever that may be, of drawing the ordinance, that its principles had before been prepared and discussed, in the form of resolutions. If one should reason in that way, what would become of the distinguished honor of the author of the Declaration of Independence? There is not a sentiment in that paper which had not been voted and resolved in the assemblies, and other popular bodies in the country, over and over again.

But the honorable member has now found out that this gentleman, Mr. Dane, was a member of the Hartford Convention. However uninformed the honorable member may be of characters and occurrences at the North, it would seem that he has at his elbows, on this occasion, some high-minded and lofty spirit, some magnanimous and true-hearted monitor, possessing the means of local knowledge,

and ready to supply the honorable member with every thing, down even to forgotten and moth-eaten twopenny pamphlets, which may be used to the disadvantage of his own country. But, as to the Hartford Convention, sir, allow me to say, that the proceedings of that body seem now to be less read and studied in New England than farther south. They appear to be looked to, not in New England, but elsewhere, for the purpose of seeing how far they may serve as a precedent. But they will not answer the purpose: they are quite too tame. The latitude in which they originated was too cold. Other conventions, of more recent existence, have gone a whole bar's length beyond it. The learned doctors of Colleton and Abbeville have pushed their commentaries on the Hartford collect so far that the original text-writers are thrown entirely into the shade. I have nothing to do, sir, with the Hartford Convention. Its journal, which the gentleman has quoted, I never read. So far as the honorable member may discover in its proceedings a spirit in any degree resembling that which was avowed and justified in those other conventions to which I have alluded, or so far as those proceedings can be shown to be disloyal to the Constitution, or tending to disunion, so far I shall be as ready as any one to bestow on them reprehension and censure.

Having dwelt long on this Convention, and other occurrences of that day, in the hope, probably, (which will not be gratified,) that I should leave the course of this debate to follow him at length in those excursions, the honorable member returned, and attempted another object. He referred to a speech of mine in the other House, the same which I had occasion to allude to myself the other day, and has quoted a passage or two from it, with a bold though uneasy and laboring air of confidence, as if he had detected in me an inconsistency. Judging from the gentleman's

manner, a stranger to the course of the debate, and to the point in discussion, would have imagined, from so triumphant a tone, that the honorable member was about to overwhelm me with a manifest contradiction. Any one who heard him, and who had not heard what I had, in fact, previously said, must have thought me routed and discomfited, as the gentleman had promised. Sir, a breath blows all this triumph away. There is not the slightest difference in the sentiments of my remarks on the two occasions. What I said here on Wednesday is in exact accordance with the opinions expressed by me in the other House in 1825. Though the gentleman had the metaphysics of Hudibras,— though he were able

> "to sever and divide
> A hair 'twixt north and northwest side,"—

he could not yet insert his metaphysical scissors between the fair reading of my remarks in 1825 and what I said here last week. There is not only no contradiction, no difference, but, in truth, too exact a similarity, both in thought and language, to be entirely in just taste. I had myself quoted the same speech, had recurred to it, and spoke with it open before me; and much of what I said was little more than a repetition from it. In order to make finishing work with this alleged contradiction, permit me to recur to the origin of this debate, and review its course. This seems expedient, and may be done as well now as at any time.

Well, then, its history is this: the honorable member from Connecticut moved a resolution, which constituted the first branch of that which is now before us; that is to say, a resolution instructing the committee on public lands to inquire into the expediency of limiting, for a certain period, the sales of public lands to such as have

heretofore been offered for sale; and whether sundry offices, connected with the sales of the lands, might not be abolished without detriment to the public service.

In the progress of the discussion which arose on this resolution, an honorable member from New Hampshire moved to amend the resolution, so as entirely to reverse its object; that is, to strike it all out, and insert a direction to the committee to inquire into the expediency of adopting measures to hasten the sales and extend more rapidly the surveys of the lands.

The honorable member from Maine (Mr. Sprague) suggested that both these propositions might well enough go, for consideration, to the committee; and in this state of the question, the member from South Carolina addressed the Senate in his first speech. He rose, he said, to give us his own free thoughts on the public lands. I saw him rise with pleasure, and listened with expectation, though before he concluded I was filled with surprise. Certainly, I was never more surprised than to find him following up, to the extent he did, the sentiments and opinions which the gentleman from Missouri had put forth, and which it is known he has long entertained.

I need not repeat at large the general topics of the honorable gentleman's speech. When he said yesterday that he did not attack the Eastern States, he certainly must have forgotten not only particular remarks, but the whole drift and tenor of his speech; unless he means by not attacking, that he did not commence hostilities, but that another had preceded him in the attack. He, in the first place, disapproved of the whole course of the Government for forty years, in regard to the dispositions of the public land; and then, turning northward and eastward, and fancying he had found a cause for alleged narrowness and niggardliness in the "accursed policy" of the tariff,

to which he represented the people of New England as wedded, he went on, for a full hour, with remarks, the whole scope of which was to exhibit the results of this policy, in feelings and in measures unfavorable to the West. I thought his opinions unfounded and erroneous as to the general course of the Government, and ventured to reply to them.

The gentleman had remarked on the analogy of other cases, and quoted the conduct of European Governments toward their own subjects settling on this continent as in point, to show that we had been harsh and rigid in selling when we should have given the public lands to settlers. I thought the honorable member had suffered his judgment to be betrayed by a false analogy; that he was struck with an appearance of resemblance where there was no real similitude. I think so still. The first settlers of North America were enterprising spirits, engaged in private adventure, or fleeing from tyranny at home. When arrived here, they were forgotten by the mother-country, or remembered only to be oppressed. Carried away again by the appearance of analogy, or struck with the eloquence of the passage, the honorable member yesterday observed that the conduct of Government toward the Western emigrants, or my representation of it, brought to his mind a celebrated speech in the British Parliament. It was, sir, the speech of Colonel Barré. On the question of the stamp act, or tea tax, I forget which, Colonel Barré had heard a member on the Treasury bench argue, that the people of the United States, being British colonists, planted by the maternal care, nourished by the indulgence, and protected by the arms of England, would not grudge their mite to relieve the mother-country from the heavy burden under which she groaned. The language of Colonel Barré in reply to this was, "They

planted by your care? Your oppression planted them in America. They fled from your tyranny, and grew by your neglect of them. So soon as you began to care for them, you showed your care by sending persons to spy out their liberties, misrepresent their character, prey upon them, and eat out their substance."

And now, does the honorable gentleman mean to maintain that language like this is applicable to the conduct of the Government of the United States toward the Western emigrants, or to any representation given by me of that conduct? Were the settlers in the West driven thither by our oppression? Have they flourished only by our neglect of them? Has the Government done nothing but to prey upon them and eat out their substance? Sir, this fervid eloquence of the British speaker, just when and where it was uttered, and fit to remain an exercise for the schools, is not a little out of place when it was brought thence to be applied here, to the conduct of our own country toward her own citizens. From America to England it may be true; from Americans to their own Government it would be strange language. Let us leave it to be recited and declaimed by our boys against a foreign nation; not introduce it here, to recite and declaim ourselves against our own.

But I come to the point of the alleged contradiction. In my remarks on Wednesday, I contended that we could not give away gratuitously all the public lands; that we held them in trust; that the Government had solemnly pledged itself to dispose of them as a common fund for the common benefit, and to sell and settle them as its discretion should dictate. Now, sir, what contradiction does the gentleman find to this sentiment in the speech of 1825? He quotes me as having then said, that we ought not to hug these lands as a very great treasure. Very

well, sir; supposing me to be accurately reported in that expression, what is the contradiction? I have not now said that we should hug these lands as a favorite source of pecuniary income. No such thing. It is not my view. What I have said and what I do say is, that they are a common fund—to be disposed of for the common benefit—to be sold at low prices, for the accommodation of settlers, keeping the object of settling the lands as much in view as that of raising money from them. This I say now, and this I have always said. Is this hugging them as a favorite treasure? Is there no difference between hugging and hoarding this fund, on the one hand, as a great treasure, and, on the other, of disposing of it at low prices, placing the proceeds in the general treasury of the Union? My opinion is, that as much is to be made of the land as fairly and reasonably may be, selling it all the while at such rates as to give the fullest effect to settlement. This is not giving it all away to the States, as the gentleman would propose; nor is it hugging the fund closely and tenaciously as a favorite treasure; but it is, in my judgment, a just and wise policy, perfectly according with all the various duties which rest on Government. So much for my contradiction. And what is it? Where is the ground of the gentleman's triumph? What inconsistency, in word or doctrine, has he been able to detect? Sir, if this be a sample of that discomfiture with which the honorable gentleman threatened me, commend me to the word *discomfiture* for the rest of my life.

But, after all, this is not the point of the debate: and I must bring the gentleman back to that which is the point.

The real question between me and him is, Where has the doctrine been advanced, at the South or the East, that the population of the West should be retarded, or, at least, need not be hastened, on account of its effect to drain off

the people from the Atlantic States? Is this doctrine, as has been alleged, of Eastern origin? That is the question. Has the gentleman found any thing by which he can make good his accusation? I submit to the Senate, that he has entirely failed· and as far as this debate has shown, the only person who has advanced such sentiments is a gentleman from South Carolina, and a friend to the honorable member himself. The honorable gentleman has given no answer to this; there is none which can be given. This simple fact, while it requires no comment to enforce it, defies all argument to refute it. I could refer to the speeches of another Southern gentleman, in years before, of the same general character, and to the same effect, as that which has been quoted; but I will not consume the time of the Senate by the reading of them.

So then, sir, New England is guiltless of the policy of retarding Western population, and of all envy and jealousy of the growth of the new States. Whatever there be of that policy in the country, no part of it is hers. If it has a local habitation, the honorable member has probably seen, by this time, where he is to look for it; and if it now has received a name, he himself has christened it.

We approach, at length, sir, to a more important part of the honorable gentleman's observations. Since it does not accord with my views of justice and policy to vote away the public lands altogether, as mere matter of gratuity, I am asked, by the honorable gentleman, on what ground it is that I consent to give them away in particular instances. How, he inquires, do I reconcile with these professed sentiments my support of measures appropriating portions of the lands to particular roads, particular canals, particular rivers, and particular institutions of education in the West? This leads, sir, to the real and wide difference in political opinions between the honorable gentle-

man and myself. On my part, I look upon all these objects as connected with the common good, fairly embraced in its objects and its terms; he, on the contrary, deems them all, if good at all, only local good. This is our difference. The interrogatory which he proceeded to put at once explains this difference. "What interest," asks he, "has South Carolina in a canal in Ohio?" Sir, this very question is full of significance. It develops the gentleman's whole political system; and its answer expounds mine. Here we differ *toto cœlo*. I look upon a road over the Alleghany, a canal round the falls of the Ohio, or a canal or railway from the Atlantic to the Western waters, as being objects large and extensive enough to be fairly said to be for the common benefit. The gentleman thinks otherwise; and this is the key to open his construction of the powers of the Government. He may well ask, upon his system, What interest has South Carolina in a canal in Ohio? On that system, it is true, she has no interest. On that system, Ohio and Carolina are different governments and different countries, connected here, it is true, by some slight and ill-defined bond of union, but in all main respects separate and diverse. On that system, Carolina has no more interest in a canal in Ohio than in Mexico. The gentleman, therefore, only follows out his own principles; he does no more than arrive at the natural conclusions of his own doctrines; he only announces the true results of that creed which he has adopted himself, and would persuade others to adopt, when he thus declares that South Carolina has no interest in a public work in Ohio. Sir, we narrow-minded people of New England do not reason thus. Our notion of things is entirely different. We look upon the States, not as separated, but as united. We love to dwell on that Union, and on the mutual happiness which it has so much pro

moted, and the common renown which it has so greatly contributed to acquire. In our contemplation, Carolina and Ohio are parts of the same country—States united under the same General Government, having interests common, associated, intermingled. In whatever is within the proper sphere of the constitutional power of this Government, we look upon the States as one. We do not impose geographical limits to our patriotic feeling or regard; we do not follow rivers, and mountains, and lines of latitude, to find boundaries beyond which public improvements do not benefit us. We, who come here as agents and representatives of those narrow-minded and selfish men of New England, consider ourselves as bound to regard, with equal eye, the good of the whole, in whatever is within our power of legislation. Sir, if a railroad or a canal, beginning in South Carolina, and ending in South Carolina, appeared to me to be of national importance and national magnitude, believing as I do that the power of Government extends to the encouragement of works of that description, if I were to stand up here and ask, "What interest has Massachusetts in a railroad in South Carolina?" I should not be willing to face my constituents. These same narrow-minded men would tell me that they had sent me to act for the whole country, and that one who possessed too little comprehension, either of intellect or feeling, one who was not large enough, in mind and heart, to embrace the whole, was not fit to be intrusted with the interest of any part. Sir, I do not desire to enlarge the powers of the Government by unjustifiable construction, nor to exercise any not within a fair interpretation. But when it is believed that a power does exist, then it is, in my judgment, to be exercised for the general benefit of the whole: so far as respects the exercise of such a power, the States are one. It was the very object of the Constitution to create

unity of interests to the extent of the powers of the General Government. In war and peace we are one; in commerce, one; because the authority of the General Government reaches to war and peace, and to the regulation of commerce. I have never seen any more difficulty in erecting lighthouses on the lakes than on the ocean; in improving the harbors of inland seas than if they were within the ebb and flow of the tide; or of removing obstructions in the vast streams of the West, more than in any work to facilitate commerce on the Atlantic coast. If there be power for one, there is power also for the other; and they are all and equally for the country.

There are other objects, apparently more local, or the benefit of which is less general, toward which, nevertheless, I have concurred with others to give aid by donations of land. It is proposed to construct a road in or through one of the new States in which this Government possesses large quantities of land. Have the United States no right, as a great and untaxed proprietor—are they under no obligation—to contribute to an object thus calculated to promote the common good of all the proprietors, themselves included? And even with respect to education, which is the extreme case, let the question be considered. In the first place, as we have seen, it was made matter of compact with these States that they should do their part to promote education. In the next place, our whole system of land-laws proceeds on the idea that education is for the common good; because, in every division, a certain portion is uniformly reserved and appropriated for the use of schools. And, finally, have not these new States singularly strong claims, founded on the ground already stated, that the Government is a great untaxed proprietor in the ownership of the soil? It is a consideration of great importance that probably there is in no part of the

country, or of the world, so great a call for the means of education as in those new States, owing to the vast number of persons within those ages in which education and instruction are usually received, if received at all. This is the natural consequence of recency of settlement and rapid increase. The census of these States shows how great a proportion of the whole population occupies the classes between infancy and manhood. These are the wide fields, and here is the deep and quick soil for the seeds of knowledge and virtue; and this is the favored season, the spring-time for sowing them. Let them be disseminated without stint. Let them be scattered with a bountiful broadcast. Whatever the Government can fairly do toward these objects, in my opinion, ought to be done.

These, sir, are the grounds, succinctly stated, on which my votes for grants of lands for particular objects rest, while I maintain, at the same time, that it is all a common fund, for the common benefit. And reasons like these, I presume, have influenced the votes of other gentlemen from New England. Those who have a different view of the powers of the Government, of course, come to different conclusions on these as on other questions. I observed, when speaking on this subject before, that if we looked to any measure, whether for a road, a canal, or any thing else intended for the improvement of the West, it would be found, that if the New England *ayes* were struck out of the list of votes, the Southern *noes* would always have rejected the measure. The truth of this has not been denied, and cannot be denied. In stating this, I thought it just to ascribe it to the constitutional scruples of the South, rather than to any other less favorable or less charitable cause. But no sooner had I done this, than the honorable gentleman asks if I reproach him and his

friends with their constitutional scruples. Sir, I reproach nobody. I stated a fact, and gave the most respectful reason for it that occurred to me. The gentleman cannot deny the fact; he may, if he choose, disclaim the reason. It is not long since I had occasion, in presenting a petition from his own State, to account for its being intrusted to my hands by saying, that the constitutional opinions of the gentleman and his worthy colleague prevented them from supporting it. Sir, did I state this as a matter of reproach? Far from it. Did I attempt to find any other cause than an honest one for these scruples? Sir, I did not. It did not become me to doubt, nor to insinuate that the gentleman had either changed his sentiments, or that he had made up a set of constitutional opinions accommodated to any particular combination of political occurrences. Had I done so, I should have felt that, while I was entitled to little respect in thus questioning other people's motives, I justified the whole world in suspecting my own.

But how has the gentleman returned this respect for others' opinions? His own candor and justice, how have they been exhibited toward the motives of others, while he has been at so much pains to maintain—what nobody has disputed—the purity of his own? Why, sir, he has asked *when*, and *how*, and *why* New England votes were found going for measures favorable to the West; he has demanded to be informed whether all this did not begin in 1825, *and while the election of President was still pending*. Sir, to these questions retort would be justified; and it is both cogent and at hand. Nevertheless, I will answer the inquiry not by retort, but by facts. I will tell the gentleman *when*, and *how*, and *why* New England has supported measures favorable to the West. I have already referred to the early history of the Government—

to the first acquisition of the lands—to the original laws for disposing of them and for governing the territories where they lie, and have shown the influence of New England men and New England principles in all these leading measures. I should not be pardoned were I to go over that ground again. Coming to more recent times, and to measures of a less general character, I have endeavored to prove that every thing of this kind designed for Western improvement has depended on the votes of New England. All this is true beyond the power of contradiction.

And now, sir, there are two measures to which I will refer, not so ancient as to belong to the early history of the public lands, and not so recent as to be on this side of the period when the gentleman charitably imagines a new direction may have been given to New England feeling and New England votes. These measures, and the New England votes in support of them, may be taken as samples and specimens of all the rest. In 1820, (observe, Mr. President, in 1820,) the people of the West besought Congress for a reduction in the price of lands. In favor of that reduction, New England, with a delegation of forty members in the other House, gave thirty-three votes, and one only against it. The four Southern States, with fifty members, gave thirty-two votes for it, and seven against it. Again, in 1821, (observe again, sir, the time,) the law passed for the relief of the purchasers of the public lands. This was a measure of vital importance to the West, and more especially to the Southwest. It authorized the relinquishment of contracts for lands which had been entered into at high prices, and a reduction, in other cases, of not less than 37½ per cent. on the purchase-money. Many millions of dollars, six or seven, I believe, at least,—probably much more,—were relinquished

by this law. On this bill New England, with her forty members, gave more affirmative votes than the four Southern States with their fifty-two or three members. These two are far the most important measures respecting the public lands which have been adopted within the last twenty years. They took place in 1820 and 1821. That is the time when. And as to the manner how, the gentleman already sees that it was by voting, in solid column, for the required relief; and lastly, as to the cause why, I tell the gentleman it was because the members from New England thought the measures just and salutary; because they entertained toward the West neither envy, hatred, nor malice; because they deemed it becoming them, as just and enlightened public men, to meet the exigency which had arisen in the West with the appropriate measure of relief; because they felt it due to their own characters, and the characters of their New England predecessors in this Government, to act toward the new States in the spirit of a liberal, patronizing, magnanimous policy. So much, sir, for the cause *why;* and I hope that by this time, sir, the honorable gentleman is satisfied; if not, I do not know *when*, or *how*, or *why*, he ever will be.

Having recurred to these two important measures, in answer to the gentleman's inquiries, I must now beg permission to go back to a period still something earlier, for the purpose still further of showing how much, or rather how little, reason there is for the gentleman's insinuation that political hopes or fears, or party-associations, were the grounds of these New England votes. And after what has been said, I hope it may be forgiven me if I allude to some political opinions and votes of my own, of very little public importance, certainly, but which, from the time at

which they were given and expressed, may pass for good witnesses on this occasion.

This Government, Mr. President, from its origin to the peace of 1815, had been too much engrossed with various other important concerns to be able to turn its thoughts inward and look to the development of its vast internal resources. In the early part of President Washington's administration, it was fully occupied with organizing the Government, providing for the public debt, defending the frontiers, and maintaining domestic peace. Before the termination of that administration, the fires of the French Revolution blazed forth, as from a new-opened volcano, and the whole breadth of the ocean did not entirely secure us from its effects. The smoke and the cinders reached us, though not the burning lava. Difficult and agitating questions, embarrassing to Government, and dividing public opinion, sprung out of the new state of our foreign relations, and were succeeded by others, and yet again by others, equally embarrassing, and equally exciting division and discord, through the long series of twenty years, till they finally issued in the war with England. Down to the close of that war, no distinct, marked, and deliberate attention had been given, or could have been given, to the internal condition of the country, its capacities of improvement, or the constitutional power of the Government in regard to objects connected with such improvement.

The peace, Mr. President, brought about an entirely new and a most interesting state of things; it opened to us other prospects, and suggested other duties; we ourselves were changed, and the whole world was changed. The pacification of Europe, after June, 1815, assumed a firm and permanent aspect. The nations evidently manifested that they were disposed for peace: some agitation of the waves might be expected, even after the storm had sub-

sided; but the tendency was, strongly and rapidly, toward settled repose.

It so happened, sir, that I was at that time a member of Congress, and, like others, naturally turned my attention to the contemplation of the newly-altered condition of the country, and of the world. It appeared plainly enough to me, as well as to wiser and more experienced men, that the policy of the Government would necessarily take a start in a new direction; because new directions would necessarily be given to the pursuits and occupations of the people. We had pushed our commerce far and fast, under the advantage of a neutral flag. But there were now no longer flags, either neutral or belligerent. The harvest of neutrality had been great, but we had gathered it all. With the peace of Europe, it was obvious there would spring up, in her circle of nations, a revived and invigorated spirit of trade, and a new activity in all the business and objects of civilized life. Hereafter, our commercial gains were to be earned only by success in a close and intense competition. Other nations would produce for themselves, and carry for themselves, and manufacture for themselves, to the full extent of their abilities. The crops of our plains would no longer sustain European armies, nor our ships longer supply those whom war had rendered unable to supply themselves. It was obvious, that, under these circumstances, the country would begin to survey itself, and to estimate its own capacity of improvement. And this improvement, how was it to be accomplished, and who was to accomplish it?

We were ten or twelve millions of people, spread over almost half a world. We were twenty-four States, some stretching along the same sea-board, some along the same line of inland frontier, and others on opposite banks of the same vast rivers. Two considerations at once presented

themselves, in looking at this state of things, with great force. One was, that that great branch of improvement, which consisted in furnishing new facilities of intercourse, necessarily ran into different States, in every leading instance, and would benefit the citizens of all such States. No one State, therefore, in such cases, would assume the whole expense, nor was the co-operation of several States to be expected. Take the instance of the Delaware Breakwater. It will cost several millions of money. Would Pennsylvania alone have ever constructed it? Certainly never, while this Union lasts, because it is not for her sole benefit. Would Pennsylvania, New Jersey, and Delaware have united to accomplish it, at their joint expense? Certainly not, for the same reason. It could not be done, therefore, but by the General Government. The same may be said of the large inland undertakings, except that, in them, Government, instead of bearing the whole expense, co-operates with others who bear a part. The other consideration is, that the United States have the means. They enjoy the revenues derived from commerce, and the States have no abundant and easy sources of public income. The custom-houses fill the general treasury, while the States have scanty resources, except by resort to heavy direct taxes.

Under this view of things, I thought it necessary to settle, at least for myself, some definite notions, with respect to the powers of Government in regard to internal affairs. It may not savor too much of self-commendation to remark, that, with this object, I considered the Constitution, its judicial construction, its contemporaneous exposition, and the whole history of the legislation of Congress under it; and I arrived at the conclusion that Government has power to accomplish sundry objects, or aid in their accomplishment, which are now commonly spoken of

as INTERNAL IMPROVEMENTS. That conclusion, sir, may have been right, or it may have been wrong. I am not about to argue the grounds of it at large. I say only that it was adopted, and acted on, even so early as in 1816. Yes, Mr. President, I made up my opinion, and determined on my intended course of political conduct on these subjects, in the 14th Congress, in 1816. And now, Mr. President, I have further to say, that I made up these opinions, and entered on this course of political conduct, *Teucro duce*. Yes, sir, I pursued, in all this, a South Carolina track. On the doctrines of internal improvement, South Carolina, as she was then represented in the other House, set forth, in 1816, under a fresh and leading breeze; and I was among the followers. But if my leader sees new lights, and turns a sharp corner, unless I see new lights also, I keep straight on in the same path. I repeat, that leading gentlemen from South Carolina were first and foremost in behalf of the doctrines of internal improvements, when those doctrines first came to be considered and acted upon in Congress. The debate on the bank-question, on the tariff of 1816, and on the direct tax, will show who was who, and what was what, at that time. The tariff of 1816, one of the plain cases of oppression and usurpation, from which, if the Government does not recede, individual States may justly secede from the Government, is, sir, in truth, a South Carolina tariff, supported by South Carolina votes. But for those votes, it could not have passed in the form in which it did pass; whereas, if it had depended on Massachusetts votes, it would have been lost. Does not the honorable gentleman well know all this? There are certainly those who do full well know it all. I do not say this to reproach South Carolina; I only state the fact, and I think it will appear to be true, that among the earliest and boldest advocates of the tariff, as a measure of pro-

tection, and on the express ground of protection, were leading gentlemen of South Carolina in Congress. I did not then, and cannot now, understand their language in any other sense. While this tariff of 1816 was under discussion in the House of Representatives, an honorable gentleman from Georgia, now of this House, (Mr. Forsyth,) moved to reduce the proposed duty on cotton. He failed by four votes, South Carolina giving three votes (enough to have turned the scale) against his motion. The act, sir, then passed, and received on its passage the support of a majority of the Representatives of South Carolina present and voting. This act is the first in the order of those now denounced as plain usurpations. We see it daily in the list by the side of those of 1824 and 1828, as a case of manifest oppression, justifying disunion. I put it home to the honorable member from South Carolina, that his own State was not only "art and part" in this measure, but the *causa causans*. Without her aid, this seminal principle of mischief, this root of upas, could not have been planted. I have already said—and it is true—that this act proceeded on the ground of protection. It interfered directly with existing interests of great value and amount. It cut up the Calcutta cotton-trade by the roots. But it passed, nevertheless, and it passed on the principle of protecting manufactures, on the principle against free trade, on the principle *opposed to that which lets us alone.*

Such, Mr. President, were the opinions of important and leading gentlemen of South Carolina, on the subject of internal improvement, in 1816. I went out of Congress the next year, and, returning again in 1823, thought I found South Carolina where I had left her. I really supposed that all things remained as they were, and that the South Carolina doctrine of internal improvements would be defended by the same eloquent voices and the same strong

arms as formerly. In the lapse of these six years, it is true, political associations had assumed a new aspect and new divisions. A party had arisen in the South, hostile to the doctrine of internal improvements, and had vigorously attacked that doctrine. Anti-consolidation was the flag under which this party fought, and its supporters inveighed against internal improvements, much after the same manner in which the honorable gentleman has now inveighed against them, as part and parcel of the system of consolidation.

Whether this party arose in South Carolina herself, or in her neighborhood, is more than I know. I think the latter. However that may have been, there were those found in South Carolina ready to make war upon it, and who did make intrepid war upon it. Names being regarded as things in such controversies, they bestowed on the anti-improvement gentlemen the appellation of radicals. Yes, sir, the name of radicals, as a term of distinction, applicable and applied to those who denied the liberal doctrines of internal improvements, originated, according to the best of my recollection, somewhere between North Carolina and Georgia. Well, sir, those mischievous radicals were to be put down, and the strong arm of South Carolina was stretched out to put them down. About this time, sir, I returned to Congress. The battle with the radicals had been fought, and our South Carolina champions of the doctrines of internal improvement had nobly maintained their ground, and were understood to have achieved a victory. They had driven back the enemy with discomfiture; a thing, by-the-way, sir, which is not always performed when it is promised. A gentleman, to whom I have already referred in this debate, had come into Congress, during my absence from it, from South Carolina, and had brought with him a high reputation for ability. He came from a

school with which we had been acquainted, *et noscitur a sociis*. I hold in my hand, sir, a printed speech of this distinguished gentleman, (Mr. McDuffie,) "ON INTERNAL IMPROVEMENTS," delivered about the period to which I now refer, and printed with a few introductory remarks upon consolidation; in which, sir, I think he quite consolidated the arguments of his opponents, the radicals, if to *crush* be to consolidate. I give you a short but substantive quotation from these remarks. He is speaking of a pamphlet, then recently published, entitled "Consolidation;" and having alluded to the question of rechartering the former Bank of the United States, he says, "Moreover, in the early history of parties, and when Mr. Crawford advocated the renewal of the old charter, it was considered a Federal measure; which internal improvement never was, as this author erroneously states. This latter measure originated in the administration of Mr. Jefferson, with the appropriation for the Cumberland road; and was first proposed, *as a system*, by Mr. Calhoun, and carried through the House of Representatives by a large majority of the Republicans, including almost every one of the leading men who carried us through the late war."

So, then, internal improvement is not one of the Federal heresies.

One paragraph more, sir.

"The author in question, not content with denouncing as Federalists General Jackson, Mr. Adams, Mr. Calhoun, and the majority of the South Carolina delegation in Congress, modestly extends the denunciation to Mr. Monroe and the whole Republican party. Here are his words: 'During the administration of Mr. Monroe, much has passed which the Republican party would be glad to approve, if they could! But the principal feature, and that which has chiefly elicited these observations, is the renewal

of the SYSTEM OF INTERNAL IMPROVEMENTS.' Now, this measure was adopted by a vote of 115 to 86, of a Republican Congress, and sanctioned by a Republican President Who, then, is this author, who assumes the high prerogative of denouncing, in the name of the Republican party, the Republican administration of the country—a denunciation including within its sweep Calhoun, Lowndes and Cheves; men who will be regarded as the brightest ornaments of South Carolina, and the strongest pillars of the Republican party, as long as the late war shall be remembered, and talents and patriotism shall be regarded as the proper objects of the admiration and gratitude of a free people?"

Such are the opinions, sir, which were maintained by South Carolina gentlemen in the House of Representatives on the subject of internal improvement, when I took my seat there as a member from Massachusetts, in 1823. But this is not all; we had a bill before us, and passed it in that House, entitled "An act to procure the necessary surveys, plans and estimates upon the subject of roads and canals." *It authorized the President to cause surveys and estimates to be made of the routes of such roads and canals as he might deem of national importance in a commercial or military point of view, or for the transportation of the mail;* and appropriated thirty thousand dollars out of the treasury to defray the expense. This act, though preliminary in its nature, covered the whole ground. It took for granted the complete power of internal improvement, as far as any of its advocates had ever contended for it. Having passed the other House, the bill came up to the Senate, and was here considered and debated in April, 1824. The honorable member from South Carolina was a member of the Senate at that time. While the bill was under consideration here, a motion was made to add the following proviso:

"*Provided*, That nothing herein contained shall be construed to affirm *or admit* a power in Congress, on their own authority, to make roads or canals within any of the States of the Union."

The yeas and nays were taken on this proviso, and the honorable member voted *in the negative*. The proviso failed.

A motion was then made to add this provision,—viz.:

"*Provided*, That the faith of the United States is hereby pledged, that no money shall ever be expended for roads or canals, except it shall be among the several States, and in the same proportion as direct taxes are laid and assessed by the provisions of the Constitution."

The honorable member voted *against this proviso* also, and it failed.

The bill was then put on its passage, and the honorable member voted *for it*, and it passed, and became a law.

Now, it strikes me, sir, that there is no maintaining these votes but upon the power of internal improvement, in its broadest sense. In truth, these bills for surveys and estimates have always been considered as test-questions. They show who is for and who against internal improvement. This law itself went the whole length, and assumed the full and complete power. The gentleman's votes sustained that power, in every form in which the various propositions to amend presented it. He went for the entire and unrestrained authority, without consulting the States, and without agreeing to any proportionate distribution. And now, suffer me to remind you, Mr. President, that it is this very same power, thus sanctioned, in every form, by the gentleman's own opinion, that is so plain and manifest a usurpation that the State of South Carolina is supposed to be justified in refusing submission to any laws carrying the power into effect. Truly, sir, is

not this a little too hard? May we not crave some mercy, under favor and protection of the gentleman's own authority? Admitting that a road or a canal must be written down flat usurpation as ever was committed, may we find no mitigation in our respect for his place, and his vote, as one that knows the law?

The tariff which South Carolina had an efficient hand in establishing in 1816, and this asserted power of internal improvement,—advanced by her in the same year, and, as we have now seen, approved and sanctioned by her representatives in 1824,—these two measures are the great grounds on which she is now thought to be justified in breaking up the Union, if she sees fit to break it up.

I may now safely say, I think, that we have had the authority of leading and distinguished gentlemen from South Carolina in support of the doctrine of internal improvement. I repeat, that, up to 1824, I, for one, followed South Carolina; but when that star in its ascension veered off in an unexpected direction, I relied on its light no longer. [Here the Vice-President said, Does the Chair understand the gentleman from Massachusetts to say that the person now occupying the chair of the Senate has changed his opinions on the subject of internal improvements?] From nothing ever said to me, sir, have I had reason to know of any change in the opinions of the person filling the chair of the Senate. If such change has taken place, I regret it; I speak generally of the State of South Carolina. Individuals we know there are who hold opinions favorable to the power. An application for its exercise in behalf of a public work in South Carolina itself is now pending, I believe, in the other House, presented by members from that State.

I have thus, sir, perhaps not without some tediousness of detail, shown that, if I am in error on the subject of

internal improvements, how and in what company I fell into that error. If I am wrong, it is apparent who misled me.

I go to other remarks of the honorable member,—and I have to complain of an entire misapprehension of what I said on the subject of the national debt—though I can hardly perceive how any one could misunderstand me. What I said was, not that I wished to put off the payment of the debt, but, on the contrary, that I had always voted for every measure for its reduction, as uniformly as the gentleman himself. He seems to claim the exclusive merit of a disposition to reduce the public charge; I do not allow it to him. As a debt, I was, I am, for paying it; because it is a charge on our finances, and on the industry of the country. But I observed that I thought I perceived a morbid fervor on that subject; an excessive anxiety to pay off the debt; not so much because it is a debt simply, as because, while it lasts, it furnishes one objection to disunion. It is a tie of common interest while it lasts. I did not impute such motive to the honorable member himself; but that there is such a feeling in existence I have not a particle of doubt. The most I said was, that if one effect of the debt was to strengthen our Union, that effect itself was not regretted by me, however much others might regret it. The gentleman has not seen how to reply to this otherwise than by supposing me to have advanced the doctrine that a national debt is a national blessing. Others, I must hope, will find less difficulty in understanding me. I distinctly and pointedly cautioned the honorable member not to understand me as expressing an opinion favorable to the continuance of the debt. I repeated this caution, and repeated it more than once—but it was thrown away.

On yet another point I was still more unaccountably

misunderstood. The gentleman had harangued against "consolidation." I told him, in reply, that there was one kind of consolidation to which I was attached, and that was, the CONSOLIDATION OF OUR UNION; and that this was precisely that consolidation to which I feared others were not attached; that such consolidation was the very end of the Constitution—the leading object, as they had informed us themselves, which its framers had kept in view. I turned to their communication, and read their very words,—"the consolidation of the Union,"—and expressed my devotion to this sort of consolidation. I said in terms that I wished not, in the slightest degree, to augment the powers of this Government; that my object was to preserve, not to enlarge; and that, by consolidating the Union, I understood no more than the strengthening of the Union and perpetuating it. Having been thus explicit, having thus read, from the printed book, the precise words which I adopted, as expressing my own sentiments, it passes comprehension, how any man could understand me as contending for an extension of the powers of the Government, or for consolidation in that odious sense in which it means an accumulation, in the Federal Government, of the powers properly belonging to the States.

I repeat, sir, that, in adopting the sentiments of the framers of the Constitution, I read their language audibly, and word for word; and I pointed out the distinction, just as fully as I have now done between the consolidation of the Union and that other obnoxious consolidation which I disclaimed: and yet the honorable gentleman misunderstood me. The gentleman had said that he wished for no fixed revenue—not a shilling. If, by a word, he could convert the Capitol into gold, he would not do it. Why all this fear of revenue? Why, sir, because, as the gentleman told us, it tends to consolidation. Now, this can mean

neither more nor less than that a common revenue is a common interest, and that all common interests tend to hold the union of the States together. I confess I like that tendency; if the gentleman dislikes it, he is right in deprecating a shilling's fixed revenue. So much, sir, for consolidation.

As well as I recollect the course of his remarks, the honorable gentleman next recurred to the subject of the tariff. He did not doubt the word must be of unpleasant sound to me, and proceeded, with an effort neither new nor attended with new success, to involve me and my votes in inconsistency and contradiction. I am happy the honorable gentleman has furnished me an opportunity of a timely remark or two on that subject. I was glad he approached it, for it is a question I enter upon without fear from anybody. The strenuous toil of the gentleman has been to raise an inconsistency between my dissent to the tariff in 1824 and my vote in 1828. It is labor lost. He pays undeserved compliment to my speech in 1824; but this is to raise me high, that my fall, as he would have it, in 1828 may be the more signal. Sir, there was no fall at all. Between the ground I stood on in 1824 and that I took in 1828, there was not only no precipice, but no declivity. It was a change of position, to meet new circumstances, but on the same level. A plain tale explains the whole matter. In 1816, I had not acquiesced in the tariff, then supported by South Carolina. To some parts of it, especially, I felt and expressed great repugnance. I held the same opinions in 1821, at the meeting in Faneuil Hall, to which the gentleman has alluded. I said then, and say now, that, as an original question, the authority of Congress to exercise the revenue power, with direct reference to the protection of manufactures, is a questionable authority, far more questionable, in my judgment, than the power of internal im

provements. I must confess, sir, that, in one respect, some impression has been made on my opinions lately. Mr. Madison's publication has put the power in a very strong light. He has placed it, I must acknowledge, upon grounds of construction and argument which seem impregnable. But, even if the power were doubtful, on the face of the Constitution itself, it had been assumed and asserted in the first revenue law ever passed under that same Constitution; and, on this ground, as a matter settled by contemporaneous practice, I had refrained from expressing the opinion that the tariff laws transcended constitutional limits, as the gentleman supposes. What I did say at Faneuil Hall, as far as I now remember, was, that this was originally matter of doubtful construction. The gentleman himself, I suppose, thinks there is no doubt about it, and that the laws are plainly against the Constitution. Mr. Madison's letters, already referred to, contain, in my judgment, by far the most able exposition extant of this part of the Constitution. He has satisfied me, so far as the practice of the Government had left it an open question.

With a great majority of the Representatives of Massachusetts, I voted against the tariff of 1824. My reasons were then given, and I will not now repeat them. But notwithstanding our dissent, the great States of New York, Pennsylvania, Ohio, and Kentucky went for the bill, in almost unbroken column, and it passed. Congress and the President sanctioned it, and it became the law of the land. What, then, were we to do? Our only option was either to fall in with this settled course of public policy, and to accommodate ourselves to it as well as we could, or to embrace the South Carolina doctrine, and talk of nullifying the statute by State interference.

This last alternative did not suit our principles, and, of course, we adopted the former. In 1827, the subject came

again before Congress, on a proposition favorable to wool and woollens. We looked upon the system of protection as being fixed and settled. The law of 1824 remained. It had gone into full operation, and in regard to some objects intended by it, perhaps most of them, had produced all its expected effects. No man proposed to repeal it—no man attempted to renew the general contest on its principle. But, owing to subsequent and unforeseen occurrences, the benefit intended by it to wool and woollen fabrics had not been realized. Events, not known here when the law passed, had taken place, which defeated its object in that particular respect. A measure was accordingly brought forward to meet this precise deficiency, to remedy this particular defect. It was limited to wool and woollens. Was ever any thing more reasonable? If the policy of the tariff-laws had become established in principle as the permanent policy of the Government, should they not be revised and amended, and made equal, like other laws, as exigencies should arise, or justice require? Because we had doubted about adopting the system, were we to refuse to cure its manifest defects after it became adopted, and when no one attempted its repeal? And this, sir, is the inconsistency so much bruited. I had voted against the tariff of 1824—but it passed; and in 1827 and 1828, I voted to amend it in a point essential to the interest of my constituents. Where is the inconsistency? Could I do otherwise?

Sir, does political consistency consist in always giving negative votes? Does it require of a public man to refuse to concur in amending laws because they passed against his consent? Having voted against the tariff originally, does consistency demand that I should do all in my power to maintain an unequal tariff, burdensome to my own constituents in many respects,—favorable in none? To con-

sistency of that sort I lay no claim; and there is another sort to which I lay as little—and that is, a kind of consistency by which persons feel themselves as much bound to oppose a proposition after it has become the law of the land as before.

The bill of 1827, limited, as I have said, to the single object in which the tariff of 1824 had manifestly failed in its effect, passed the House of Representatives, but was lost here. We had then the act of 1828. I need not recur to the history of a measure so recent. Its enemies spiced it with whatsoever they thought would render it distasteful; its friends took it, drugged as it was. Vast amounts of property, many millions, had been invested in manufactures, under the inducements of the act of 1824. Events called loudly, as I thought, for further regulations to secure the degree of protection intended by that act. I was disposed to vote for such regulations, and desired nothing more; but certainly was not to be bantered out of my purpose by a threatened augmentation of duty on molasses, put into the bill for the avowed purpose of making it obnoxious. The vote may have been right or wrong, wise or unwise; but it is little less than absurd to allege against it an inconsistency with opposition to the former law.

Sir, as to the general subject of the tariff, I have little now to say. Another opportunity may be presented. I remarked, the other day, that this policy did not begin with us in New England; and yet, sir, New England is charged with vehemence as being favorable, or charged with equal vehemence as being unfavorable, to the tariff policy, just as best suits the time, place, and occasion for making some charge against her. The credulity of the public has been put to its extreme capacity of false impression relative to her conduct in this particular. Through

all the South, during the late contest, it was New England policy, and a New England administration, that was afflicting the country with a tariff policy beyond all endurance, while on the other side of the Alleghany, even the act of 1828 itself—the very sublimated essence of oppression, according to Southern opinions—was pronounced to be one of those blessings for which the West was indebted to the "generous South."

With large investments in manufacturing establishments, and various interests connected with and dependent on them, it is not to be expected that New England, any more than other portions of the country, will now consent to any measure destructive or highly dangerous. The duty of the Government, at the present moment, would seem to be to preserve, not to destroy; to maintain the position which it has assumed; and for one, I shall feel it an indispensable obligation to hold it steady, as far as in my power, to that degree of protection which it has undertaken to bestow. No more of the tariff.

Professing to be provoked by what he chose to consider a charge made by me against South Carolina, the honorable member, Mr. President, has taken up a new crusade against New England. Leaving altogether the subject of the public lands, in which his success, perhaps, had been neither distinguished nor satisfactory, and letting go, also, of the topic of the tariff, he sallied forth in a general assault on the opinions, politics, and parties of New England, as they have been exhibited in the last thirty years. This is natural. The "narrow policy" of the public lands had proved a legal settlement in South Carolina, and was not to be removed. The "accursed policy" of the tariff, also, had established the fact of its birth and parentage in the same State. No wonder, therefore, the gentleman wished to carry the war, as he expressed it, into the

enemy's country. Prudently willing to quit these subjects, he was doubtless desirous of fastening others, which could not be transferred south of Mason and Dixon's line. The politics of New England became his theme; and it was in this part of his speech, I think, that he menaced me with such sore discomfiture.

Discomfiture! why, sir, when he attacks any thing which I maintain, and overthrows it; when he turns the right or left of any position which I take up; when he drives me from any ground I choose to occupy, he may then talk of discomfiture, but not till that distant day. What has he done? Has he maintained his own charges? Has he proved what he alleged? Has he sustained himself in his attack on the Government, and on the history of the North, in the matter of the public lands? Has he disproved a fact, refuted a proposition, weakened an argument, maintained by me? Has he come within beat of drum of any position of mine? Oh, no; but he has "carried the war into the enemy's country"! Carried the war into the enemy's country! Yes, sir, and what sort of a war has he made of it? Why, sir, he has stretched a drag-net over the whole surface of perished pamphlets, indiscreet sermons, frothy paragraphs, and fuming popular addresses; over whatever the pulpit in its moments of alarm, the press in its heats, and parties in their extravagance, have severally thrown off, in times of general excitement and violence. He has thus swept together a mass of such things, as, but that they are now old, the public health would have required him rather to leave in their state of dispersion.

For a good long hour or two, we had the unbroken pleasure of listening to the honorable member, while he recited, with his usual grace and spirit, and with evident high gusto, speeches, pamphlets, addresses, and all the *et*

ceteras of the political press, such as warm heads produce in warm times, and such as it would be "discomfiture" indeed for any one, whose taste did not delight in that sort of reading, to be obliged to peruse. This is his war. This is to carry the war into the enemy's country. It is in an invasion of this sort that he flatters himself with the expectation of gaining laurels fit to adorn a Senator's brow.

Mr. President, I shall not, it will, I trust, not be expected that I should, either now or at any time, separate this farrago into parts, and answer and examine its components. I shall hardly bestow upon it all a general remark or two. In the run of forty years, sir, under this Constitution, we have experienced sundry successive violent party contests. Party arose, indeed, with the Constitution itself, and in some form or other has attended through the greater part of its history.

Whether any other Constitution than the old articles of confederation was desirable was, itself, a question on which parties formed; if a new Constitution was framed, what powers should be given to it was another question; and when it had been formed, what was, in fact, the just extent of the powers actually conferred, was a third. Parties, as we know, existed under the first administration, as distinctly marked as those which manifested themselves at any subsequent period.

The contest immediately preceding the political change in 1801, and that, again, which existed at the commencement of the late war, are other instances of party excitement of something more than usual strength and intensity. In all these conflicts there was, no doubt, much of violence on both and all sides. It would be impossible, if one had a fancy for such employment, to adjust the relative *quantum* of violence between these two contending parties. There

was enough in each, as must always be expected in popular governments. With a great deal of proper and decorous discussion there was mingled a great deal, also, of declamation, virulence, crimination, and abuse.

In regard to any party, probably, at one of the leading epochs in the history of parties, enough may be found to make out another equally inflamed exhibition as that with which the honorable member has edified us. For myself, sir, I shall not rake among the rubbish of by-gone times to see what I can find, or whether I cannot find something by which I can fix a blot on the escutcheon of any State, any party, or any part of the country. General Washington's administration was steadily and zealously maintained, as we all know, by New England. It was violently opposed elsewhere. We know in what quarter he had the most earnest, constant, and persevering support, in all his great and leading measures. We know where his private and personal character were held in the highest degree of attachment and veneration; and we know, too, where his measures were opposed, his services slighted, and his character vilified.

We know, or we might know, if we turn to the journals, who expressed respect, gratitude, and regret, when he retired from the chief-magistracy; and who refused to express either respect, gratitude, or regret. I shall not open those journals. Publications more abusive or scurrilous never saw the light than were sent forth against Washington, and all his leading measures, from presses south of New England; but I shall not look them up. I employ no scavengers—no one is in attendance on me, tendering such means of retaliation; and if there were, with an ass's load of them, with a bulk as huge as that which the gentleman himself has produced, I would not touch one of them. I see enough of the violence of our

own times to be no way anxious to rescue from forgetfulness the extravagances of times past. Besides, what is all this to the present purpose? It has nothing to do with the public lands, in regard to which the attack was begun; and it has nothing to do with those sentiments and opinions, which I have thought tend to disunion, and all of which the honorable member seems to have adopted himself, and undertaken to defend. New England has, at times,—so argues the gentleman,—held opinions as dangerous as those which he now holds. Be it so. But why, therefore, does he abuse New England? If he finds himself countenanced by acts of hers, how is it that, while he relies on these acts, he covers, or seeks to cover, their authors with reproach?

But, sir, if, in the course of forty years, there have been undue effervescences of party in New England, has the same thing happened nowhere else? Party animosity and party outrage, not in New England, but elsewhere, denounced President Washington, not only as a Federalist, but as a tory, a British agent, a man who, in his high office, sanctioned corruption. But does the honorable member suppose that, if I had a tender here, who should put such an effusion of wickedness and folly in my hand, that I would stand up and read it against the South? Parties ran into great heats, again, in 1799 and 1800. What was said, sir, or rather what was not said, in those years, against John Adams, one of the signers of the Declaration of Independence, and its admitted ablest defender on the floor of Congress? If the gentleman wants to increase his stores of party abuse and frothy violence, if he has a determined proclivity to such pursuits, there are treasures of that sort south of the Potomac, much to his taste, yet untouched. I shall not touch them.

The parties which divided the country, at the commence-

ment of the late war, were violent. But, then, there was violence on both sides, and violence in every State. Minorities and majorities were equally violent. There was no more violence against the war in New England than in other States; nor any more appearance of violence, except that, owing to a dense population, greater facility for assembling, and more presses, there may have been more, in quantity, spoken and printed there than in some other places. In the article of sermons, too, New England is somewhat more abundant than South Carolina; and for that reason, the chance of finding here and there an exceptionable one may be greater. I hope, too, there are more good ones. Opposition may have been more formidable in New England, as it embraced a larger portion of the whole population; but it was no more unrestrained in its principle, or violent in manner. The minorities dealt quite as harshly with their own State Governments as the majorities dealt with the administration here. There were presses on both sides, popular meetings on both sides, ay, and pulpits on both sides, also. The gentleman's purveyors have only catered for him among the productions on one side. I certainly shall not supply the deficiency by furnishing samples of the other. I leave to him, and to them, the whole concern.

It is enough for me to say, that if, in any part of this their grateful occupation—if in all their researches—they find any thing in the history of Massachusetts, or New England, or in the proceedings of any legislative or other public body, disloyal to the Union, speaking slightly of its value, proposing to break it up, or recommending non-intercourse with neighboring States, on account of difference of political opinion, then, sir, I give them all up to the honorable gentleman's unrestrained rebuke; expect-

ing, however, that he will extend his buffetings, in like manner, to all similar proceedings, wherever else found.

The gentleman, sir, has spoken at large of former parties, now no longer in being, by their received appellations, and has undertaken to instruct us, not only in the knowledge of their principles, but of their respective pedigrees also. He has ascended to their origin, and run out their genealogies. With most exemplary modesty, he speaks of the party to which he professes to have belonged himself, as the true, pure, the only honest, patriotic party, derived by regular descent, from father to son, from the time of the virtuous Romans! Spreading before us the family-tree of political parties, he takes especial care to show himself snugly perched on a popular bough! He is wakeful to the expediency of adopting such rules of descent, for political parties, as shall bring him in, in exclusion of others, as an heir to the inheritance of all public virtue, and all true political principles. His doxy is always orthodoxy. Heterodoxy is confined to his opponents. He spoke, sir, of the Federalists, and I thought I saw some eyes begin to open and stare a little, when he ventured on that ground. I expected he would draw his sketches rather slightly, when he looked on the circle round him, and especially if he should cast his thoughts to the high places out of the Senate. Nevertheless, he went back to Rome, *ad annum urbe condita*, and found the fathers of the Federalist in the primeval aristocrats of that renowned empire! He traced the flow of Federal blood down through successive ages and centuries, till he got into the veins of the American tories, (of whom, by-the-way, there were twenty in the Carolinas for one in Massachusetts.) From the tories, he followed it to the Federalists; and as the Federal party was broken up, and there was no possibility of transmitting it farther on this

side of the Atlantic, he seems to have discovered that it has gone off, collaterally, though against all the canons of descent, into the ultras of France, and finally became extinguished, like exploded gas, among the adherents of Don Miguel.

This, sir, is an abstract of the gentleman's history of Federalism. I am not about to controvert it. It is not, at present, worth the pains of refutation, because, sir, if at this day one feels the sin of Federalism lying heavily on his conscience, he can easily obtain remission. He may even have an indulgence, if he is desirous of repeating the transgression. It is an affair of no difficulty to get into this same right line of patriotic descent. A man, now-a-days, is at liberty to choose his political parentage. He may elect his own father. Federalist or not, he may, if he choose, claim to belong to the favored stock, and his claim will be allowed. He may carry back his pretensions just as far as the honorable gentleman himself; nay, he may make himself out the honorable gentleman's cousin, and prove satisfactorily that he is descended from the same political great-grandfather. All this is allowable. We all know a process, sir, by which the whole Essex Junto could, in one hour, be all washed white from their ancient Federalism, and come out, every one of them, an original Democrat, dyed in the wool! Some of them have actually undergone the operation, and they say it is quite easy. The only inconvenience it occasions, as they tell us, is a slight tendency of the blood to the face, a soft suffusion, which, however, is very transient, since nothing is said calculated to deepen the red on the cheek, but a prudent silence observed in regard to all the past. Indeed, sir, some smiles of approbation have been bestowed, and some crumbs of comfort have fallen, not a thousand miles from the door of the Hartford Convention itself. And if the

author of the ordinance of 1787 possessed the other requisite qualifications, there is no knowing, notwithstanding his Federalism, to what heights of favor he might not yet attain.

Mr. President, in carrying his warfare, such as it was, into New England, the honorable gentleman all along professes to be acting on the defensive. He desires to consider me as having assailed South Carolina, and insists that he comes forth only as her champion, and in her defence. Sir, I do not admit that I made any attack whatever on South Carolina. Nothing like it. The honorable member, in his first speech, expressed opinions, in regard to revenue, and some other topics, which I heard both with pain and surprise. I told the gentleman that I was aware that such sentiments were entertained OUT of the Government, but had not expected to find them advanced in it; that I knew there were persons in the South who speak of our Union with indifference, or doubt, taking pains to magnify its evils, and to say nothing of its benefits; that the honorable member himself, I was sure, could never be one of these; and I regretted the expression of such opinions as he had avowed, because I thought their obvious tendency was to encourage feelings of disrespect to the Union, and to weaken its connection. This, sir, is the sum and substance of all I said on the subject. And this constitutes the attack which called on the chivalry of the gentleman, in his opinion, to harry us with such a forage among the party pamphlets and party proceedings of Massachusetts. If he means that I spoke with dissatisfaction or disrespect of the ebullitions of individuals in South Carolina, it is true. But if he means that I had assailed the character of the State, her honor, or patriotism, that I had reflected on her history or her conduct, he had not the slightest ground for any such assumption. I did not even

refer, I think, in my observations, to any collection of individuals. I said nothing of the recent Conventions. I spoke in the most guarded and careful manner, and only expressed my regret for the publication of opinions which I presumed the honorable member disapproved as much as myself. In this, it seems, I was mistaken.

I do not remember that the gentleman has disclaimed any sentiment, or any opinion, of a supposed anti-Union tendency, which on all or any of the recent occasions has been expressed. The whole drift of his speech has been rather to prove, that, in divers times and manners, sentiments equally liable to objection have been promulgated in New England. And one would suppose that his object, in this reference to Massachusetts, was to find a precedent to justify proceedings in the South, were it not for the reproach and contumely with which he labors, all along, to load his precedents.

By way of defending South Carolina from what he chooses to think an attack on her, he first quotes the example of Massachusetts, and then denounces that example, in good set terms. This twofold purpose, not very consistent with itself, one would think, was exhibited more than once in the course of his speech. He referred, for instance, to the Hartford Convention. Did he do this for authority, or for a topic of reproach? Apparently for both; for he told us that he should find no fault with the mere fact of holding such a convention, and considering and discussing such questions as he supposes were then and there discussed; but what rendered it obnoxious was the time it was holden, and the circumstances of the country then existing. We were in a war, he said, and the country needed all our aid; the hand of Government required to be strengthened, not weakened; and patriotism should have postponed such proceedings to another day. The

thing itself, then, is a precedent; the time and manner of it, only, subject of censure.

Now, sir, I go much further, on this point, than the honorable member. Supposing, as the gentleman seems to, that the Hartford Convention assembled for any such purpose as breaking up the Union, because they thought unconstitutional laws had been passed, or to concert on that subject, or to calculate the value of the Union; supposing this to be their purpose, or any part of it, then I say the meeting itself was disloyal, and obnoxious to censure, whether held in time of peace, or time of war, or under whatever circumstances. The material matter is the object. Is dissolution the object? If it be, external circumstances may make it a more or less aggravated case, but cannot affect the principle. I do not hold, therefore, that the Hartford Convention was pardonable, even to the extent of the gentleman's admission, if its objects were really such as have been imputed to it. Sir, there never was a time, under any degree of excitement, in which the Hartford Convention, or any other convention, could maintain itself one moment in New England, if assembled for any such purpose as the gentleman says would have been an allowable purpose. To hold conventions to decide questions of constitutional law!—to try the binding validity of statutes, by votes in a convention! Sir, the Hartford Convention, I presume, would not desire that the honorable gentleman should be their defender or advocate, if he puts their case upon such untenable and extravagant grounds.

Then, sir, the gentleman has no fault to find with these recently-promulgated South Carolina opinions. And, certainly, he need have none; for his own sentiments, as now advanced, and advanced on reflection, as far as I have been able to comprehend them, go the full length of all

these opinions. I propose, sir, to say something on these, and to consider how far they are just and constitutional. Before doing that, however, let me observe, that the eulogium pronounced on the character of the State of South Carolina, by the honorable gentleman, for her Revolutionary and other merits, meets my hearty concurrence. I shall not acknowledge that the honorable member goes before me in regard for whatever of distinguished talent or distinguished character South Carolina has produced. I claim part of the honor, I partake in the pride, of her great names. I claim them for countrymen, one and all. The Laurenses, the Rutledges, the Pinckneys, the Sumpters, the Marions—Americans all—whose fame is no more to be hemmed in by State lines than their talents and patriotism were capable of being circumscribed within the same narrow limits. In their day and generation, they served and honored the country, and the whole country; and their renown is of the treasures of the whole country. Him whose honored name the gentleman himself bears—does he suppose me less capable of gratitude for his patriotism, or sympathy for his sufferings, than if his eyes had first opened upon the light in Massachusetts instead of South Carolina? Sir, does he suppose it is in his power to exhibit a Carolina name so bright as to produce envy in my bosom? No, sir, increased gratification and delight, rather.

Sir, I thank God that if I am gifted with little of the spirit which is said to be able to raise mortals to the skies, I have yet none, as I trust, of that other spirit which would drag angels down. When I shall be found, sir, in my place here in the Senate, or elsewhere, to sneer at public merit, because it happened to spring up beyond the little limits of my own State, or neighborhood; when I refuse, for any such cause, or for any cause, the homage due to

American talent, to elevated patriotism, to sincere devotion to liberty and the country; or if I see an uncommon endowment of Heaven, if I see extraordinary capacity and virtue, in any son of the South, and if, moved by local prejudice, or gangrened by State jealousy, I get up here to abate the tithe of a hair from his just character and just fame,—may my tongue cleave to the roof of my mouth! Sir, let me recur to pleasing recollections; let me indulge in refreshing remembrance of the past; let me remind you that in early times no States cherished greater harmony, both of principle and feeling, than Massachusetts and South Carolina. Would to God that harmony might again return! Shoulder to shoulder they went through the Revolution; hand in hand they stood round the administration of Washington, and felt his own great arm lean on them for support. Unkind feeling, if it exist, alienation and distrust, are the growth, unnatural to such soils, of false principles since sown. They are weeds, the seeds of which that same great arm never scattered.

Mr. President, I shall enter on no encomium upon Massachusetts—she needs none. There she is—behold her, and judge for yourselves. There is her history—the world knows it by heart. The past, at least, is secure. There is Boston, and Concord, and Lexington, and Bunker Hill; and there they will remain forever. The bones of her sons, fallen in the great struggle for Independence, now lie mingled with the soil of every State from New England to Georgia; and there they will lie forever. And, sir, where American liberty raised its first voice, and where its youth was first nurtured and sustained, there it still lives, in the strength of its manhood, and full of its original spirit. If discord and disunion shall wound it; if party strife and blind ambition shall hawk at and tear it; if folly and madness, if uneasiness under salutary and

necessary restraint, shall succeed to separate it from that Union by which alone its existence is made sure,—it will stand, in the end, by the side of that cradle in which its infancy was rocked; it will stretch forth its arm, with whatever vigor it may still retain, over the friends who gather round it; and it will fall at last, if fall it must, amidst the proudest monuments of its own glory, and on the very spot of its origin.

There yet remains to be performed, Mr. President, by far the most grave and important duty which I feel to be devolved on me by this occasion. It is to state, and to defend, what I conceive to be the true principles of the Constitution under which we are here assembled. I might well have desired that so weighty a task should have fallen into other and abler hands. I could have wished that it should have been executed by those whose character and experience give weight and influence to their opinions, such as cannot possibly belong to mine. But, sir, I have met the occasion, not sought it; and I shall proceed to state my own sentiments, without challenging for them any particular regard, with studied plainness and as much precision as possible.

I understand the honorable gentleman from South Carolina to maintain that it is a right of the State legislatures to interfere, whenever, in their judgment, this Government transcends its constitutional limits, and to arrest the operation of its laws.

I understand him to maintain this right as a right existing *under* the Constitution, not as a right to overthrow it, on the ground of extreme necessity, such as would justify violent revolution.

I understand him to maintain an authority, on the part of the States, thus to interfere, for the purpose of correcting the exercise of power by the General Government, of

checking it, and of compelling it to conform to their opinion of the extent of its power.

I understand him to maintain that the ultimate power of judging of the constitutional extent of its own authority is not lodged exclusively in the General Government or any branch of it; but that, on the contrary, the States may lawfully decide for themselves, and each State for itself, whether, in a given case, the act of the General Government transcends its power.

I understand him to insist that, if the exigency of the case, in the opinion of any State Government, require it, such State Government may, by its own sovereign authority, annul an act of the General Government which it deems plainly and palpably unconstitutional.

This is the sum of what I understand from him to be the South Carolina doctrine. I propose to consider it, and to compare it with the Constitution. Allow me to say, as a preliminary remark, that I call this the South Carolina doctrine, only because the gentleman himself has so denominated it. I do not feel at liberty to say that South Carolina, as a State, has ever advanced these sentiments. I hope she has not, and never may. That a great majority of her people are opposed to the tariff-laws is doubtless true. That a majority, somewhat less than that just mentioned, conscientiously believe these laws unconstitutional, may probably also be true. But that any majority holds to the right of direct State interference, at State discretion, the right of nullifying acts of Congress by acts of State legislation, is more than I know, and what I shall be slow to believe.

That there are individuals, besides the honorable gentleman, who do maintain these opinions, is quite certain. I recollect the recent expression of a sentiment which circumstances attending its utterance and publication justify

us in supposing was not unpremeditated—"The sovereignty of the State: never to be controlled, construed, or decided on, but by her own feelings of honorable justice."

[Mr. HAYNE here rose, and said, that, for the purpose of being clearly understood, he would state that his proposition was in the words of the Virginia resolution, as follows:

"That this Assembly doth explicitly and peremptorily declare, that it views the powers of the Federal Government, as resulting from the compact to which the States are parties, as limited by the plain sense and intention of the instrument constituting that compact, as no further valid than they are authorized by the grants enumerated in that compact; and that, in case of a deliberate, palpable, and dangerous exercise of other powers not granted by the said compact, the States who are parties thereto have the right, and are in duty bound, to interpose for arresting the progress of the evil, and for maintaining, within their respective limits, the authorities, rights, and liberties pertaining to them."]

Mr. WEBSTER resumed:

I am quite aware, Mr. President, of the existence of the resolution which the gentleman read, and has now repeated, and that he relies on it as his authority. I know the source, too, from which it is understood to have proceeded. I need not say, that I have much respect for the constitutional opinions of Mr. Madison: they would weigh greatly with me, always. But, before the authority of his opinion be vouched for the gentleman's proposition, it will be proper to consider what is the fair interpretation of that resolution, to which Mr. Madison is understood to have given his sanction. As the gentleman construes it, it is an authority for him. Possibly he may not have adopted the right construction. That resolution declares, *that in the case of the*

dangerous exercise of powers not granted by the General Government, the States may interpose to arrest the progress of the evil. But how interpose? and what does this declaration purport? Does it mean no more than that there may be extreme cases in which the people, in any mode of assembling, may resist usurpation, and relieve themselves from a tyrannical government? No one will deny this. Such resistance is not only acknowledged to be just in America, but in England also. Blackstone admits as much, in the theory and practice, too, of the English Constitution. We, sir, who oppose the Carolina doctrine, do not deny that the people may, if they choose, throw off any government, when it becomes oppressive and intolerable, and erect a better in its stead. We all know that civil institutions are established for the public benefit, and that, when they cease to answer the ends of their existence, they may be changed.

But I do not understand the doctrine now contended for to be that which, for the sake of distinctness, we may call the right of revolution. I understand the gentleman to maintain, that without revolution, without civil commotion, without rebellion, a remedy for supposed abuse and transgression of the powers of the General Government lies in a direct appeal to the interference of the State Governments. [Mr. HAYNE here rose: He did not contend, he said, for the mere right of revolution, but for the right of constitutional resistance. What he maintained was, that, in case of a plain, palpable violation of the Constitution by the General Government, a State may interpose; and that this interposition is constitutional.] Mr. WEBSTER resumed:

So, sir, I understood the gentleman, and am happy to find that I did not misunderstand him. What he contends for is, that it is constitutional to interrupt the administra-

tion of the Constitution itself, in the hands of those who are chosen and sworn to administer it, by the direct interference, in form of law, of the States, in virtue of their sovereign capacity. The inherent right in the people to reform their Government I do not deny; and they have another right, and that is, to resist unconstitutional laws, without overturning the Government. It is no doctrine of mine, that unconstitutional laws bind the people. The great question is, *Whose prerogative is it to decide on the constitutionality or unconstitutionality of the laws?* On that the main debate hinges. The proposition that, in case of a supposed violation of the Constitution by Congress, the States have a constitutional right to interfere, and annul the law of Congress, is the proposition of the gentleman. I do not admit it. If the gentleman had intended no more than to assert the right of revolution for justifiable cause, he would have said only what all agree to. But I cannot conceive that there can be a middle course between submission to the laws, when regularly pronounced constitutional, on the one hand, and open resistance, which is revolution or rebellion, on the other. I say the right of a State to annul a law of Congress cannot be maintained but on the ground of the unalienable right of man to resist oppression; that is to say, upon the ground of revolution. I admit that there is an ultimate violent remedy, above the Constitution, and in defiance of the Constitution, which may be resorted to, when a revolution is to be justified. But I do not admit that, under the Constitution, and in conformity with it, there is any mode in which a State Government, as a member of the Union, can interfere and stop the progress of the General Government, by force of her own laws, under any circumstances whatever.

This leads us to inquire into the origin of this Government, and the source of its power. Whose agent is it? Is

it the creature of the State legislatures, or the creature of the people? If the Government of the United States be the agent of the State Governments, then they may control it, provided they can agree in the manner of controlling it; if it is the agent of the people, then the people alone can control it, restrain it, modify or reform it. It is observable enough, that the doctrine for which the honorable gentleman contends leads him to the necessity of maintaining, not only that this General Government is the creature of the States, but that it is the creature of each of the States severally; so that each may assert the power, for itself, of determining whether it acts within the limits of its authority. It is the servant of four-and-twenty masters, of different wills and different purposes; and yet bound to obey all. This absurdity (for it seems no less) arises from a misconception as to the origin of this Government, and its true character. It is, sir, the people's Constitution, the people's Government; made for the people; made by the people; and answerable to the people. The people of the United States have declared that this Constitution shall be the supreme law. We must either admit the proposition, or dispute their authority. The States are unquestionably sovereign, so far as their sovereignty is not affected by this supreme law. The State legislatures, as political bodies, however sovereign, are yet not sovereign over the people. So far as the people have given power to the General Government, so far the grant is unquestionably good, and the Government holds of the people, and not of the State Governments. We are all agents of the same supreme power, the people. The General Government and the State Governments derive their authority from the same source. Neither can, in relation to the other, be called primary; though one is definite and restricted, and the other general and residuary.

The national Government possesses those powers which it can be shown the people have conferred on it, and no more. All the rest belongs to the State Governments, or to the people themselves. So far as the people have restrained State sovereignty by the expression of their will, in the Constitution of the United States, so far, it must be admitted, State sovereignty is effectually controlled. I do not contend that it is, or ought to be, controlled further. The sentiment to which I have referred propounds that State sovereignty is only to be controlled by its own "feeling of justice;" that is to say, it is not to be controlled at all; for one who is to follow his feelings is under no legal control. Now, however men may think this ought to be, the fact is, that the people of the United States have chosen to impose control on State sovereignties. The Constitution has ordered the matter differently from what this opinion announces. To make war, for instance, is an exercise of sovereignty; but the Constitution declares that no State shall make war. To coin money is another exercise of sovereign power; but no State is at liberty to coin money. Again: the Constitution says, that no sovereign State shall be so sovereign as to make a treaty. These prohibitions, it must be confessed, are a control on the State sovereignty of South Carolina, as well as of the other States, which does not arise "from her own feelings of honorable justice." Such an opinion, therefore, is in defiance of the plainest provisions of the Constitution.

There are other proceedings of public bodies which have already been alluded to, and to which I refer again for the purpose of ascertaining more fully what is the length and breadth of that doctrine, denominated the Carolina doctrine, which the honorable member has now stood up on this floor to maintain.

In one of them I find it resolved that "the tariff of 1828, and every other tariff designed to promote one branch of industry at the expense of others, is contrary to the meaning and intention of the Federal compact; and as such, a dangerous, palpable, and deliberate usurpation of power, by a determined majority, wielding the General Government beyond the limits of its delegated powers, as calls upon the States which compose the suffering minority, in their sovereign capacity, to exercise the powers which, as sovereigns, necessarily devolve upon them when their compact is violated."

Observe, sir, that this resolution holds the tariff of 1828, and every other tariff designed to promote one branch of industry at the expense of another, to be such a dangerous, palpable, and deliberate usurpation of power, as calls upon the States, in their sovereign capacity, to interfere by their own power. This denunciation, Mr. President, you will please to observe, includes our old tariff of 1816, as well as all others; because that was established to promote the interest of the manufactures of cotton, to the manifest and admitted injury of the Calcutta cotton-trade. Observe, again, that all the qualifications are here rehearsed, and charged upon the tariff, which are necessary to bring the case within the gentleman's proposition. The tariff is a usurpation; it is a dangerous usurpation; it is a palpable usurpation; it is a deliberate usurpation. It is such a usurpation as calls upon the States to exercise their right of interference. Here is a case, then, within the gentleman's principles, and all his qualifications of his principles. It is a case for action. The Constitution is plainly, dangerously, palpably, and deliberately violated; and the States must interpose their own authority to arrest the law. Let us suppose the State of South Carolina to express this same opinion, by the voice of her legislature.

That would be very imposing; but what then? Is the voice of one State conclusive? It so happens that, at the very moment when South Carolina resolves that the tariff-laws are unconstitutional, Pennsylvania and Kentucky resolve exactly the reverse. *They* hold those laws to be both highly proper and strictly constitutional. And now, sir, how does the honorable member propose to deal with this case? How does he get out of this difficulty, upon any principle of his? His construction gets us into it; how does he propose to get us out?

In Carolina, the tariff is a palpable, deliberate usurpation; Carolina, therefore, may *nullify* it, and refuse to pay the duties. In Pennsylvania, it is both clearly constitutional and highly expedient; and there the duties are to be paid. And yet we live under a Government of uniform laws, and under a Constitution, too, which contains an express provision, as it happens, that all duties shall be equal in all the States! Does not this approach absurdity?

If there be no power to settle such questions, independent of either of the States, is not the whole Union a rope of sand? Are we not thrown back again precisely upon the old Confederation?

It is too plain to be argued. Four-and-twenty interpreters of constitutional law, each with a power to decide for itself, and none with authority to bind anybody else, and this constitutional law the only bond of their union! What is such a state of things but a mere connection during pleasure, or, to use the phraseology of the times, *during feeling?* And that feeling, too, not the feeling of the people who established the Constitution, but the feeling of the State Governments.

In another of the South Carolina addresses, having premised that the crisis requires "all the concentrated energy

of passion," an attitude of open resistance to the laws of the Union is advised. Open resistance to the laws, then, is the constitutional remedy, the conservative power of the State, which the South Carolina doctrines teach for the redress of political evils, real or imaginary. And its authors further say that, appealing with confidence to the Constitution itself to justify their opinions, they cannot consent to try their accuracy by the courts of justice. In one sense, indeed, sir, this is assuming an attitude of open resistance in favor of liberty. But what sort of liberty? The liberty of establishing their own opinions, in defiance of the opinions of all others; the liberty of judging and of deciding exclusively themselves, in a matter in which others have as much right to judge and decide as they; the liberty of placing their opinions above the judgment of all others, above the laws, and above the Constitution. This is their liberty, and this is the fair result of the proposition contended for by the honorable gentleman. Or it may be more properly said, it is identical with it, rather than a result from it. In the same publication we find the following: "Previously to our Revolution, when the arm of oppression was stretched over New England, where did our Northern brethren meet with a braver sympathy than that which sprung from the bosom of Carolinians? *We had no extortion, no oppression, no collision with the king's ministers, no navigation interests springing up, in envious rivalry of England.*"

This seems extraordinary language. South Carolina no collision with the king's ministers in 1775! no extortion! no oppression! But, sir, it is also most significant language. Does any man doubt the purpose for which it was penned? Can any one fail to see that it was designed to raise in the reader's mind the question, whether, *at this time*,—that is to say, in 1828,—South Carolina has any collision with

the king's ministers, any oppression, or extortion, to fear from England? whether, in short, England is not as naturally the friend of South Carolina as New England, with her navigation interests springing up in envious rivalry of England?

Is it not strange, sir, that an intelligent man in South Carolina, in 1828, should thus labor to prove, that, in 1775, there was no hostility, no cause of war, between South Carolina and England? that she had no occasion, in reference to her own interest, or from a regard to her own welfare, to take up arms in the Revolutionary contest? Can any one account for the expression of such strange sentiments, and their circulation through the State, otherwise than by supposing the object to be, what I have already intimated, to raise the question, if they had no "*collision*" (mark the expression) with the ministers of King George the Third, in 1775, what *collision* have they, in 1828, with the ministers of King George the Fourth? What is there now, in the existing state of things, to separate Carolina from *Old*, more, or rather less, than from *New*, England?

Resolutions, sir, have been recently passed by the Legislature of South Carolina. I need not refer to them; they go no further than the honorable gentleman himself has gone—and I hope not so far. I content myself, therefore, with debating the matter with him.

And now, sir, what I have first to say on the subject is, that at no time, and under no circumstances, has New England, or any State in New England, or any respectable body of persons in New England, or any public man of standing in New England, put forth such a doctrine as this Carolina doctrine.

The gentleman has found no case—he can find none—to support his own opinions by New England authority.

New England has studied the Constitution in other schools, and under other teachers. She looks upon it with other regards, and deems more highly and reverently both of its just authority and its utility and excellence. The history of her legislative proceedings may be traced —the ephemeral effusions of temporary bodies, called together by the excitement of the occasion, may be hunted up—they have been hunted up. The opinions and votes of her public men, in and out of Congress, may be explored—it will all be in vain. The Carolina doctrine can derive from her neither countenance nor support. She rejects it now; she always did reject it; and till she loses her senses, she always will reject it. The honorable member has referred to expressions on the subject of the embargo law, made in this place by an honorable and venerable gentleman (Mr. Hillhouse) now favoring us with his presence. He quotes that distinguished Senator as saying, that in his judgment the embargo law was unconstitutional, and that, therefore, in his opinion, the people were not bound to obey it.

That, sir, is perfectly constitutional language. An unconstitutional law is not binding; *but then it does not rest with a resolution or a law of a State legislature to decide whether an act of Congress be or be not constitutional.* An unconstitutional act of Congress would not bind the people of this District, although they have no legislature to interfere in their behalf; and, on the other hand, a constitutional law of Congress does bind the citizens of every State, although all their legislatures should undertake to annul it, by act or resolution. The venerable Connecticut Senator is a constitutional lawyer, of sound principles and enlarged knowledge; a statesman practised and experienced, bred in the company of Washington, and holding just views upon the nature of our

Governments. He believed the embargo unconstitutional, and so did others; but what then? Who did he suppose was to decide that question? The State legislatures? Certainly not. No such sentiment ever escaped his lips. Let us follow up, sir, this New England opposition to the embargo laws; let us trace it, till we discern the principle which controlled and governed New England throughout the whole course of that opposition. We shall then see what similarity there is between the New England school of constitutional opinions and this modern Carolina school. The gentleman, I think, read a petition from some single individual, addressed to the Legislature of Massachusetts, asserting the Carolina doctrine—that is, the right of State interference to arrest the laws of the Union. The fate of that petition shows the sentiment of the Legislature. It met no favor. The opinions of Massachusetts were otherwise. They had been expressed in 1798, in answer to the resolutions of Virginia, and she did not depart from them, nor bend them to the times. Misgoverned, wronged, oppressed, as she felt herself to be, she still held fast her integrity to the Union. The gentleman may find in her proceedings much evidence of dissatisfaction with the measures of Government, and great and deep dislike to the embargo; all this makes the case so much the stronger for her; for, notwithstanding all this dissatisfaction and dislike, she claimed no right still to sever asunder the bonds of the Union. There was heat and there was anger in her political feeling. Be it so. Her heat or her anger did not, nevertheless, betray her into infidelity to the Government. The gentleman labors to prove that she disliked the embargo as much as South Carolina dislikes the tariff, and expressed her dislike as strongly. Be it so; *but did she propose the Carolina remedy? Did she threaten to interfere, by State authority, to annul the*

laws of the Union? That is the question for the gentleman's consideration.

No doubt, sir, a great majority of the people of New England conscientiously believed the embargo law of 1807 unconstitutional—as conscientiously, certainly, as the people of South Carolina hold that opinion of the tariff. They reasoned thus: Congress has power to regulate commerce; but here is a law, they said, stopping all commerce, and stopping it indefinitely. The law is perpetual; that is, it is not limited in point of time, and must of course continue till it shall be repealed by some other law. It is as perpetual, therefore, as the law against treason or murder. Now, is this regulating commerce, or destroying it? Is it guiding, controlling, giving the rule to commerce, as a subsisting thing, or is it putting an end to it altogether? Nothing is more certain than that a majority in New England deemed this law a violation of the Constitution. The very case required by the gentleman to justify State interference had then arisen. Massachusetts believed this law to be "*a deliberate, palpable, and dangerous exercise of a power not granted by the Constitution.*" Deliberate it was, for it was long continued; palpable she thought it, as no words in the Constitution gave the power, and only a construction, in her opinion most violent, raised it; dangerous it was, since it threatened utter ruin to her most important interests. Here, then, was a Carolina case. How did Massachusetts deal with it? It was, as she thought, a plain, manifest, palpable violation of the Constitution; and it brought ruin to her doors. Thousands of families, and hundreds of thousands of individuals, were beggared by it. While she saw and felt all this, she saw and felt, also, that as a measure of national policy, it was perfectly futile; and that the country was no way benefited by that which caused so much indi-

vidual distress; and that it was efficient only for the production of evil, and all that evil inflicted on ourselves. In such a case, under such circumstances, how did Massachusetts demean herself? Sir, she remonstrated, she memorialized, she addressed herself to the General Government, not exactly "with the concentrated energy of passion," but with her strong sense, and the energy of sober conviction. But she did not interpose the arm of her power to arrest the law, and break the embargo. Far from it. Her principles bound her to two things; and she followed her principles, lead where they might. First, to submit to every constitutional law of Congress: and, secondly, if the constitutional validity of the law be doubted, to refer that question to the decision of the proper tribunals. The first principle is vain and ineffectual without the second. A majority of us in New England believed the embargo law unconstitutional; but the great question was, and always will be, in such cases, Who is to decide this? Who is to judge between the people and the Government? And, sir, it is quite plain, that the Constitution of the United States confers on the Government itself, to be exercised by its appropriate department, this power of deciding, ultimately and conclusively, upon the just extent of its own authority. If this had not been done, we should not have advanced a single step beyond the old Confederation.

Being fully of opinion that the embargo law was unconstitutional, the people of New England were yet equally clear in the opinion—it was a matter they did not doubt upon—that the question, after all, must be decided by the judicial tribunals of the United States. Before those tribunals, therefore, they brought the question. Under the provisions of the law, they had given bonds, to millions in amount, and which were alleged to be forfeited. They

suffered the bonds to be sued, and thus raised the question. In the old-fashioned way of settling disputes, they went to law. The case came to hearing and solemn argument; and he who espoused their cause and stood up for them against the validity of the act, was none other than that great man, of whom the gentleman has made honorable mention, SAMUEL DEXTER. He was then, sir, in the fulness of his knowledge and the maturity of his strength. He had retired from long and distinguished public service here, to the renewed pursuit of professional duties; carrying with him all that enlargement and expansion, all the new strength and force, which an acquaintance with the more general subjects discussed in the national councils is capable of adding to professional attainment, in a mind of true greatness and comprehension. He was a lawyer, and he was also a statesman. He had studied the Constitution, when he filled public station, that he might defend it; he had examined its principles, that he might maintain them. More than all men, or at least as much as any man, he was attached to the General Government, and to the union of the States. His feelings and opinions all ran in that direction. A question of constitutional law, too, was, of all subjects, that one which was best suited to his talents and learning. Aloof from technicality, and unfettered by artificial rule, such a question gave opportunity for that deep and clear analysis, that mighty grasp of principle, which so much distinguished his higher efforts. His very statement was argument; his inference seemed demonstration. The earnestness of his own conviction wrought conviction in others. One was convinced, and believed, and assented, because it was gratifying, delightful, to think, and feel, and believe, in unison with an intellect of such evident superiority.

Mr. Dexter, sir, such as I have described him, argued

the New England cause. He put into his effort his whole heart, as well as all the powers of his understanding; for he had avowed, in the most public manner, his entire concurrence with his neighbors, on the point in dispute. He argued the cause; it was lost, and New England submitted. The established tribunals pronounced the law constitutional, and New England acquiesced. Now, sir, is not this the exact opposite of the doctrine of the gentleman from South Carolina? According to him, instead of referring to the judicial tribunals, we should have broken up the embargo, by laws of our own; we should have repealed it, *quoad* New England; for we had a strong, palpable, and oppressive case. Sir, we believed the embargo unconstitutional; but still, that was matter of opinion, and who was to decide it? We thought it a clear case; but, nevertheless, we did not take the laws into our hands, *because we did not wish to bring about a revolution, nor to break up the Union;* for I maintain, that, between submission to the decision of the constituted tribunals, and revolution, or disunion, there is no middle ground—there is no ambiguous condition, half allegiance and half rebellion. There is no treason *made cosy.* And, sir, how futile, how very futile, it is, to admit the right of State interference, and then to attempt to save it from the character of unlawful resistance, by adding terms of qualification to the causes and occasions, leaving all the qualifications, like the case itself, in the discretion of the State Governments! It must be a clear case, it is said; a deliberate case; a palpable case; a dangerous case. But, then, the State is still left at liberty to decide for herself what is clear, what is deliberate, what is palpable, what is dangerous.

Do adjectives and epithets avail any thing? Sir, the human mind is so constituted, that the merits of both sides of a controversy appear very clear, and very palpable, to

those who respectively espouse them, and both sides usually grow clearer, as the controversy advances. South Carolina sees unconstitutionality in the tariff—she sees oppression there, also, and she sees danger. Pennsylvania, with a vision not less sharp, looks at the same tariff, and sees no such thing in it—she sees it all constitutional, all useful, all safe. The faith of South Carolina is strengthened by opposition, and she now not only sees, but *resolves*, that the tariff is palpably unconstitutional, oppressive, and dangerous: but Pennsylvania, not to be behind her neighbors, and equally willing to strengthen her own faith by a confident asseveration, *resolves* also, and gives to every warm affirmative of South Carolina, a plain, downright Pennsylvania negative. South Carolina, to show the strength and unity of her opinions, brings her assembly to a unanimity, within seven votes; Pennsylvania, not to be outdone in this respect more than others, reduces her dissentient fraction to five votes. Now, sir, again I ask the gentleman, what is to be done? Are these States both right? Is he bound to consider them both right? If not, which is in the wrong? or, rather, which has the best right to decide?

And if he, and if I, are not to know what the Constitution means, and what it is, till those two State legislatures, and the twenty-two others, shall agree in its construction, what have we sworn to, when we have sworn to maintain it? I was forcibly struck, sir, with one reflection, as the gentleman went on with his speech. He quoted Mr. Madison's resolutions to prove that a State may interfere, in a case of deliberate, palpable, and dangerous exercise of a power not granted. The honorable member supposes the tariff-law to be such an exercise of power, and that, consequently, a case has arisen in which the State may, if it see fit, interfere by its own law.

Now, it so happens, nevertheless, that Mr. Madison himself deems this same tariff-law quite constitutional. Instead of a clear and palpable violation, it is, in his judgment, no violation at all. So that, while they use his authority for a hypothetical case, they reject it in the very case before them. All this, sir, shows the inherent futility —I had almost used a stronger word—of conceding this power of interference to the States, and then attempting to secure it from abuse by imposing qualifications of which the States themselves are to judge. One of two things is true: either the laws of the Union are beyond the control of the States, or else we have no Constitution of General Government, and are thrust back again to the days of the Confederacy.

Let me here say, sir, that if the gentleman's doctrine had been received and acted upon in New England, in the times of the embargo and non-intercourse, we should probably not now have been here. The Government would very likely have gone to pieces and crumbled into dust. No stronger case can ever arise than existed under those laws; no States can ever entertain a clearer conviction than the New England States then entertained; and if they had been under the influence of that heresy of opinion, as I must call it, which the honorable member espouses, this Union would, in all probability, have been scattered to the four winds. I ask the gentleman, therefore, to apply his principles to that case; I ask him to come forth and declare whether, in his opinion, the New England States would have been justified in interfering to break up the embargo system, under the conscientious opinions which they held upon it. Had they a right to annul that law? Does he admit, or deny? If that which is thought palpably unconstitutional in South Carolina justifies that State in arresting the progress of the law,

tell me whether that which was thought palpably unconstitutional also in Massachusetts would have justified her in doing the same thing. Sir, I deny the whole doctrine. It has not a foot of ground in the Constitution to stand on. No public man of reputation ever advanced it in Massachusetts, in the warmest times, or could maintain himself upon it there at any time.

I wish now, sir, to make a remark upon the Virginia resolutions of 1798. I cannot undertake to say how these resolutions were understood by those who passed them. Their language is not a little indefinite. In the case of the exercise, by Congress, of a dangerous power, not granted to them, the resolutions assert the right, on the part of the State, to interfere, and arrest the progress of the evil. This is susceptible of more than one interpretation. It may mean no more than that the States may interfere by complaint and remonstrance, or by proposing to the people an alteration of the Federal Constitution. This would all be quite unobjectionable; or it may be that no more is meant than to assert the general right of revolution, as against all Governments, in cases of intolerable oppression. This no one doubts; and this, in my opinion, is all that he who framed these resolutions could have meant by it; for I shall not readily believe that he was ever of opinion that a State, under the Constitution, and in conformity with it, could, upon the ground of her own opinion of its unconstitutionality, however clear and palpable she might think the case, annul a law of Congress, so far as it should operate on herself, by her own legislative power.

I must now beg to ask, sir, Whence is this supposed right of the States derived? Where do they get the power to interfere with the laws of the Union? Sir, the opinion which the honorable gentleman maintains is a

notion founded in a total misapprehension, in my judgment, of the origin of this Government, and of the foundation on which it stands. I hold it to be a popular Government, erected by the people, those who administer it responsible to the people, and itself capable of being amended and modified, just as the people may choose it should be. It is as popular, just as truly emanating from the people, as the State Governments. It is created for one purpose; the State Governments for another. It has its own powers; they have theirs. There is no more authority with them to arrest the operation of a law of Congress, than with Congress to arrest the operation of their laws. We are here to administer a Constitution emanating from the people, and trusted by them to our administration. It is not the creature of the State Governments. It is of no moment to the argument that certain acts of the State legislatures are necessary to fill our seats in this body. That is not one of their original State powers, a part of the sovereignty of the State. It is a duty which the people, by the Constitution itself, have imposed on the State legislatures, and which they might have left to be performed elsewhere, if they had seen fit. So they have left the choice of President with electors; but all this does not affect the proposition that this whole Government—President, Senate, and House of Representatives—is a popular Government. It leaves it still all its popular character. The Governor of a State (in some of the States) is chosen not directly by the people, but by those who are chosen by the people for the purpose of performing, among other duties, that of electing a Governor. Is the Government of the State on that account not a popular Government? This Government, sir, is the independent offspring of the popular will. It is not the creature of State legislatures; nay, more, if the whole truth must be told, the

people brought it into existence, established it, and have hitherto supported it, for the very purpose, amongst others, of imposing certain salutary restraints on State sovereignties. The States cannot now make war; they cannot contract alliances; they cannot make, each for itself, separate regulations of commerce; they cannot lay imposts; they cannot coin money. If this Constitution, sir, be the creature of State legislatures, it must be admitted that it has obtained a strange control over the volitions of its creators.

The people then, sir, erected this Government. They gave it a Constitution, and in that Constitution they have enumerated the powers which they bestow on it. They have made it a limited Government. They have defined its authority. They have restrained it to the exercise of such powers as are granted; and all others, they declare, are reserved to the States or the people. But, sir, they have not stopped here. If they had, they would have accomplished but half their work. No definition can be so clear as to avoid possibility of doubt; no limitation so precise as to exclude all uncertainty. Who, then, shall construe this grant of the people? Who shall interpret their will, where it may be supposed they have left it doubtful? With whom do they leave this ultimate right of deciding on the powers of the Government? Sir, they have settled all this in the fullest manner. They have left it with the Government itself, in its appropriate branches. Sir, the very chief end, the main design for which the whole Constitution was framed and adopted, was to establish a Government that should not be obliged to act through State agency, or depend on State opinion and discretion. The people had had quite enough of that kind of Government under the Confederacy. Under that system, the legal action—the application of law to indi

viduals—belonged exclusively to the States. Congress could only recommend—their acts were not of binding force till the States had adopted and sanctioned them. Are we in that condition still? Are we yet at the mercy of State discretion and State construction? Sir, if we are, then vain will be our attempt to maintain the Constitution under which we sit.

But, sir, the people have wisely provided, in the Constitution itself, a proper, suitable mode and tribunal for settling questions of constitutional law. There are, in the Constitution, grants of powers to Congress, and restrictions on those powers. There are also prohibitions on the States. Some authority must therefore necessarily exist, having the ultimate jurisdiction to fix and ascertain the interpretation of these grants, restrictions, and prohibitions. The Constitution has itself pointed out, ordained, and established that authority. How has it accomplished this great and essential end? By declaring, sir, that "*the Constitution, and the laws of the United States, made in pursuance thereof, shall be the supreme law of the land, any thing in the Constitution or laws of any State to the contrary notwithstanding.*"

This, sir, was the first great step. By this, the supremacy of the Constitution and laws of the United States is declared. The people so will it. No State law is to be valid which comes in conflict with the Constitution or any law of the United States. But who shall decide this question of interference? To whom lies the last appeal? This, sir, the Constitution itself decides also, by declaring "*that the judicial power shall extend to all cases arising under the Constitution and laws of the United States.*" These two provisions, sir, cover the whole ground. They are, in truth, the keystone of the arch. With these it is a Constitution; without them it is a Confederacy. In pursuance

of these clear and express provisions, Congress established, at its very first session, in the judicial act, a mode for carrying them into full effect, and for bringing all questions of constitutional power to the final decision of the Supreme Court. It then, sir, became a government. It then had the means of self-protection; and but for this, it would, in all probability, have been now among things which are passed. Having constituted the Government, and declared its powers, the people have further said that, since somebody must decide on the extent of these powers, the Government shall itself decide—subject always, like other popular governments, to its responsibility to the people. And now, sir, I repeat, how is it that a State legislature acquires any right to interfere? Who, or what, gives them the right to say to the people, "We, who are your agents and servants for one purpose, will undertake to decide, that your other agents and servants, appointed by you for another purpose, have transcended the authority you gave them"? The reply would be, I think, not impertinent, "Who made you a judge over another's servants? To their own masters they stand or fall."

Sir, I deny this power of State legislatures altogether. It cannot stand the test of examination. Gentlemen may say, that, in an extreme case, a State Government might protect the people from intolerable oppression. Sir, in such a case the people might protect themselves, without the aid of the State Governments. Such a case warrants revolution. It must make, when it comes, a law for itself. A nullifying act of a State legislature cannot alter the case, nor make resistance any more lawful. In maintaining these sentiments, sir, I am but asserting the rights of the people. I state what they have declared, and insist on their right to declare it. They have chosen to repose this

power in the General Government, and I think it my duty to support it, like other constitutional powers.

For myself, sir, I doubt the jurisdiction of South Carolina, or any other State, to prescribe my constitutional duty, or to settle, between me and the people, the validity of laws of Congress for which I have voted. I decline her umpirage. I have not sworn to support the Constitution according to her construction of its clauses. I have not stipulated, by my oath of office or otherwise, to come under any responsibility, except to the people and those whom they have appointed to pass upon the question, whether the laws, supported by my votes, conform to the Constitution of the country. And, sir, if we look to the general nature of the case, could any thing have been more preposterous than to have made a government for the whole Union, and yet left its powers subject, not to one interpretation, but to thirteen or twenty-four interpretations? Instead of one tribunal, established by all, responsible to all, with power to decide for all, shall constitutional questions be left to four-and-twenty popular bodies, each at liberty to decide for itself, and none bound to respect the decisions of others, and each at liberty, too, to give a new construction, on every new election of its own members? Would any thing, with such a principle in it, or rather with such a destitution of all principle, be fit to be called a government? No, sir. It should not be denominated a Constitution. It should be called, rather, a collection of topics for everlasting controversy; heads of debate for a disputatious people. It would not be a government. It would not be adequate to any practical good, nor fit for any country to live under. To avoid all possibility of being misunderstood, allow me to repeat again, in the fullest manner, that I claim no powers for the Government by forced or unfair construction. I admit that it is a govern-

ment of strictly limited powers; of enumerated, specified, and particularized powers; and that whatsoever is not granted is withheld. But, notwithstanding all this, and however the grant of powers may be expressed, its limits and extent may yet, in some cases, admit of doubt; and the General Government would be good for nothing, it would be incapable of long existence, if some mode had not been provided in which those doubts, as they should arise, might be peaceably, but authoritatively, solved.

And now, Mr. President, let me run the honorable gentleman's doctrine a little into its practical application. Let us look at his probable *modus operandi*. If a thing can be done, an ingenious man can tell *how* it is to be done. Now, I wish to be informed *how* this State interference is to be put in practice. We will take the existing case of the tariff-law. South Carolina is said to have made up her opinion upon it. If we do not repeal it, (as we probably shall not,) she will then apply to the case the remedy of her doctrine. She will, we must suppose, pass a law of her Legislature, declaring the several acts of Congress, usually called the tariff-laws, null and void, so far as they respect South Carolina, or the citizens thereof. So far, all is a paper transaction, and easy enough. But the collector at Charleston is collecting the duties imposed by these tariff-laws—he, therefore, must be stopped. The collector will seize the goods if the tariff-duties are not paid. The State authorities will undertake their rescue: the marshal, with his posse, will come to the collector's aid; and here the contest begins. The militia of the State will be called out to sustain the nullifying act. They will march, sir, under a very gallant leader; for I believe the honorable member himself commands the militia of that part of the State. He will raise the NULLIFYING ACT on his standard, and spread it out as his banner. It will have

a preamble, bearing that the tariff-laws are palpable, deliberate, and dangerous violations of the Constitution. He will proceed, with his banner flying, to the custom-house in Charleston,—

"all the while
Sonorous metal blowing martial sounds."

Arrived at the custom-house, he will tell the collector that he must collect no more duties under any of the tariff-laws. This he will be somewhat puzzled to say, by-the-way, with a grave countenance, considering what hand South Carolina herself had in that of 1816. But, sir, the collector would, probably, not desist at his bidding. Here would ensue a pause; for they say that a certain stillness precedes the tempest. Before this military array should fall on the custom-house, collector, clerks, and all, it is very probable some of those composing it would request of their gallant commander-in-chief to be informed a little upon the point of law; for they have doubtless a just respect for his opinions as a lawyer, as well as for his bravery as a soldier. They know he has read Blackstone and the Constitution, as well as Turenne and Vauban. They would ask him, therefore, something concerning their rights in this matter. They would inquire whether it was not somewhat dangerous to resist a law of the United States. What would be the nature of their offence, they would wish to learn, if they, by military force and array, resisted the execution in Carolina of a law of the United States, and it should turn out, after all, that the law *was constitutional?* He would answer, of course, treason. No lawyer could give any other answer. John Fries, he would tell them, had learned that some years ago. How, then, they would ask, do you propose to defend us? We are not afraid of bullets, but treason has a way of taking people off that we do not much relish. How do you propose to

defend us? "Look at my floating banner," he would reply: "see there the *nullifying law!*" Is it your opinion, gallant commander, they would then say, that if we should be indicted for treason, that same floating banner of yours would make a good plea in bar? "South Carolina is a sovereign State," he would reply. That is true; but would the judge admit our plea? "These tariff-laws," he would repeat, "are unconstitutional, palpably, deliberately, dangerously." That all may be so; but if the tribunals should not happen to be of that opinion, shall we swing for it? We are ready to die for our country, but it is rather an awkward business, this dying without touching the ground. After all, this is a sort of *hemp*-tax, worse than any part of the tariff.

Mr. President, the honorable gentleman would be in a dilemma like that of another great general. He would have a knot before him which he could not untie. He must cut it with his sword. He must say to his followers, Defend yourselves with your bayonets; and this is war—civil war.

Direct collision, therefore, between force and force, is the unavoidable result of that remedy for the revision of unconstitutional laws which the gentleman contends for. It must happen in the very first case to which it is applied. Is not this the plain result? To resist, by force, the execution of a law, generally, is treason. Can the courts of the United States take notice of the indulgence of a State to commit treason? The common saying, that a State cannot commit treason herself, is nothing to the purpose. Can it authorize others to do it? If John Fries had produced an act of Pennsylvania, annulling the law of Congress, would it have helped his case? Talk about it as we will, these doctrines go the length of revolution. They are incompatible with any peaceable administration of the Government. They lead directly to disunion and civil commotion;

and therefore it is, that at the commencement, when they are first found to be maintained by respectable men, and in a tangible form, that I enter my public protest against them all.

The honorable gentleman argues, that if this Government be the sole judge of the extent of its own powers, whether that right of judging be in Congress or the Supreme Court, it equally subverts State sovereignty. This the gentleman sees, or thinks he sees, although he cannot perceive how the right of judging, in this matter, if left to the exercise of State legislatures, has any tendency to subvert the Government of the Union. The gentleman's opinion may be that the right *ought not* to have been lodged with the General Government; he may like better such a Constitution as we should have under the right of State interference; but I ask him to meet me on the plain matter of fact—I ask him to meet me on the Constitution itself—I ask him if the power is not found there—clearly and visibly found there.

But, sir, what is this danger, and what the grounds of it? Let it be remembered, that the Constitution of the United States is not unalterable. It is to continue in its present form no longer than the people who established it shall choose to continue it. If they shall become convinced that they have made an injudicious or inexpedient partition and distribution of power between the State Governments and the General Government, they can alter that distribution at will.

If any thing be found in the national Constitution, either by original provision or subsequent interpretation, which ought not to be in it, the people know how to get rid of it. If any construction be established, unacceptable to them, so as to become, practically, a part of the Constitution, they will amend it at their own sovereign pleasure.

But while the people choose to maintain it as it is, while they are satisfied with it, and refuse to change it, who has given, or who can give, to the State legislatures a right to alter it, either by interference, construction, or otherwise? Gentlemen do not seem to recollect that the people have any power to do any thing for themselves; they imagine there is no safety for them any longer than they are under the close guardianship of the State legislatures. Sir, the people have not trusted their safety, in regard to the general Constitution, to these hands. They have required other security, and taken other bonds. They have chosen to trust themselves, first, to the plain words of the instrument, and to such construction as the Government itself, in doubtful cases, should put on its own powers, under their oaths of office, and subject to their responsibility to them; just as the people of a State trust their own State Government with a similar power. Secondly, they have reposed their trust in the efficacy of frequent elections, and in their own power to remove their own servants and agents whenever they see cause. Thirdly, they have reposed trust in the judicial power, which, in order that it might be trustworthy, they have made as respectable, as disinterested, and as independent as practicable. Fourthly, they have seen fit to rely, in case of necessity, or high expediency, on their known and admitted power to alter or amend the Constitution, peaceably and quietly, whenever experience shall point out defects or imperfections. And finally, the people of the United States have at no time, in no way, directly or indirectly, authorized any State legislature to construe or interpret *their* instrument of government; much less to interfere, by their own power, to arrest its course and operation.

If, sir, the people, in these respects, had done otherwise than they have done, their Constitution could neither have

been preserved, nor would it have been worth preserving. And if its plain provision shall now be disregarded, and these new doctrines interpolated in it, it will become as feeble and helpless a being as enemies, whether early or more recent, could possibly desire. It will exist in every State, but as a poor dependent on State permission. It must borrow leave to be, and will be, no longer than State pleasure, or State discretion, sees fit to grant the indulgence and to prolong its poor existence.

But, sir, although there are fears, there are hopes also. The people have preserved this, their own chosen Constitution, for forty years, and have seen their happiness, prosperity, and renown grow with its growth and strengthen with its strength. They are now, generally, strongly attached to it. Overthrown by direct assault it cannot be; evaded, undermined, NULLIFIED, it will not be, if we, and those who shall succeed us here, as agents and representatives of the people, shall conscientiously and vigilantly discharge the two great branches of our public trust—faithfully to preserve and wisely to administer it.

Mr. President, I have thus stated the reasons of my dissent to the doctrines which have been advanced and maintained. I am conscious of having detained you, and the Senate, much too long. I was drawn into the debate, with no previous deliberation such as is suited to the discussion of so grave and important a subject. But it is a subject of which my heart is full, and I have not been willing to suppress the utterance of its spontaneous sentiments.

I cannot, even now, persuade myself to relinquish it, without expressing, once more, my deep conviction, that since it respects nothing less than the Union of the States, it is of most vital and essential importance to the public happiness. I profess, sir, in my career hitherto, to have

kept steadily in view the prosperity and honor of the whole country, and the preservation of our Federal Union. It is to that Union we owe our safety at home, and our consideration and dignity abroad. It is to that Union that we are chiefly indebted for whatever makes us most proud of our country. That Union we reached only by the discipline of our virtues in the severe school of adversity. It had its origin in the necessities of disordered finance, prostrate commerce, and ruined credit. Under its benign influences, these great interests immediately awoke, as from the dead, and sprang forth with newness of life. Every year of its duration has teemed with fresh proofs of its utility and its blessings; and although our territory has stretched out wider and wider, and our population spread farther and farther, they have not outrun its protection or its benefits. It has been to us all a copious fountain of national, social, personal happiness. I have not allowed myself, sir, to look beyond the Union, to see what might lie hidden in the dark recesses behind. I have not coolly weighed the chances of preserving liberty, when the bonds that unite us together shall be broken asunder. I have not accustomed myself to hang over the precipice of disunion, to see whether, with my short sight, I can fathom the depth of the abyss below; nor could I regard him as a safe counsellor in the affairs of this Government, whose thoughts should be mainly bent on considering, not how the Union should be best preserved, but how tolerable might be the condition of the people when it shall be broken up and destroyed. While the Union lasts, we have high, exciting, gratifying prospects spread out before us, for us and our children. Beyond that I seek not to penetrate the veil. God grant that, in my day at least, that curtain may not rise. God grant that on my vision never may be opened what lies

behind. When my eyes shall be turned to behold, for the last time, the sun in heaven, may I not see him shining on the broken and dishonored fragments of a once-glorious Union; on States dissevered, discordant, belligerent; on a land rent with civil feuds, or drenched, it may be, in fraternal blood! Let their last feeble and lingering glance, rather, behold the gorgeous ensign of the Republic, now known and honored throughout the earth, still full high advanced, its arms and trophies streaming in their original lustre, not a stripe erased or polluted, nor a single star obscured—bearing for its motto no such miserable interrogatory as, *What is all this worth?* nor those other words of delusion and folly, *Liberty first, and Union afterwards;* but everywhere, spread all over in characters of living light, blazing on all its ample folds, as they float over the sea and over the land, and in every wind under the whole heavens, that other sentiment, dear to every true American heart,—Liberty *and* Union, now and forever, one and inseparable!

II.

In the Senate of the United States, March 7, 1850, on the Slavery Compromise.

The Vice-President. The resolutions submitted by the Senator from Kentucky were made the special order of the day at 12 o'clock. On this subject the Senator from Wisconsin (Mr. Walker) has the floor.

Mr. Walker. Mr. President, this vast audience has not assembled to hear me; and there is but one man, in my opinion, who can assemble such an audience. They expect to hear him, and I feel it to be my duty, as well as my pleasure, to give the floor therefore to the Senator from Massachusetts. I understand it is immaterial to him upon which of these questions he speaks, and therefore I will not move to postpone the special order.

Mr. Webster. I beg to express my obligations to my friend from Wisconsin, (Mr. Walker,) as well as to my friend from New York, (Mr. Seward,) for their courtesy in allowing me to address the Senate this morning.

Mr. President: I wish to speak to-day, not as a Massachusetts man, nor as a Northern man, but as an American, and a member of the Senate of the United States. It is fortunate that there is a Senate of the United States; a body not yet moved from its propriety, not lost to a just sense of its own dignity and its own high responsibilities, and a body to which the country looks with confidence for wise, moderate, patriotic, and healing counsels. It is not

to be denied that we live in the midst of strong agitations, and are surrounded by very considerable dangers to our institutions of government. The imprisoned winds are let loose. The East, the West, the North, and the stormy South, all combine to throw the whole ocean into commotion, to toss its billows to the skies, and to disclose its profoundest depths. I do not affect to regard myself, Mr. President, as holding, or as fit to hold, the helm in this combat of the political elements; but I have a duty to perform, and I mean to perform it with fidelity—not without a sense of surrounding dangers, but not without hope. I have a part to act, not for my own security or safety, for I am looking out for no fragment upon which to float away from the wreck, if wreck there must be, but for the good of the whole, and the preservation of the whole; and there is that which will keep me to my duty during this struggle, whether the sun and the stars shall appear, or shall not appear, for many days. I speak to-day for the preservation of the Union. "Hear me for my cause." I speak to-day, out of a solicitous and anxious heart, for the restoration to the country of that quiet and that harmony which make the blessings of this Union so rich and so dear to us all. These are the topics that I propose to myself to discuss; these are the motives, and the sole motives, that influence me in the wish to communicate my opinions to the Senate and the country; and if I can do any thing, however little, for the promotion of these ends, I shall have accomplished all that I desire.

Mr. President, it may not be amiss to recur very briefly to the events which, equally sudden and extraordinary, have brought the political condition of the country to what it now is. In May, 1846, the United States declared war against Mexico. Her armies, then on the frontiers, entered the provinces of that Republic; met and defeated all her

troops; penetrated her mountain-passes, and occupied her capital. The marine force of the United States took possession of her forts and her towns on the Atlantic and on the Pacific. In less than two years a treaty was negotiated, by which Mexico ceded to the United States a vast territory, extending seven or eight hundred miles along the shores of the Pacific, reaching back over the mountains, and across the desert, and until it joined the frontier of the State of Texas. It so happened that in the distracted and feeble state of the Mexican Government, before the declaration of war by the United States against Mexico had become known in California, the people of California, under the lead of American officers, overthrew the existing provincial Government of California—the Mexican authorities—and ran up an independent flag. When the news arrived at San Francisco that war had been declared by the United States against Mexico, this independent flag was pulled down, and the stars and stripes of this Union hoisted in its stead. So, sir, before the war was over, the powers of the United States, military and naval, had possession of San Francisco and Upper California, and a great rush of emigrants from various parts of the world took place into California in 1846 and 1847. But now behold another wonder.

In January of 1848, the Mormons, it is said, or some of them, made a discovery of an extraordinary rich mine of gold—or, rather, of a very great quantity of gold, hardly fit to be called a mine, for it was spread near the surface—on the lower part of the south or American branch of the Sacramento. They seem to have attempted to conceal their discovery for some time; but soon another discovery, perhaps of greater importance, was made of gold, in another part of the American branch of the Sacramento, and near Sutter's Fort, as it is called. The fame

of these discoveries spread far and wide. They excited more and more the spirit of emigration toward California, which had already been excited; and persons crowded in hundreds, and flocked toward the Bay of San Francisco. This, as I have said, took place in the winter and spring of 1848. The digging commenced in the spring of that year, and from that time to this the work of searching for gold has been prosecuted with a success not heretofore known in the history of this globe. We all know, sir, how incredulous the American public was at the accounts which reached us at first of these discoveries; but we all know now that these accounts received, and continue to receive, daily confirmation; and down to the present moment I suppose the assurances are as strong, after the experience of these several months, of mines of gold apparently inexhaustible in the regions near San Francisco, in California, as they were at any period of the earlier dates of the accounts. It so happened, sir, that although in the time of peace, it became a very important subject for legislative consideration and legislative decision to provide a proper territorial Government for California, yet differences of opinion in the counsels of the Government prevented the establishment of any such territorial Government for California, at the last session of Congress. Under this state of things, the inhabitants of San Francisco and California —then amounting to a great number of people—in the summer of last year, thought it to be their duty to establish a local Government. Under the proclamation of General Riley, the people chose delegates to a convention: that convention met at Monterey. They formed a Constitution for the State of California, and it was adopted by the people of California in their primary assemblages. Desirous of immediate connection with the United States, its Senators were appointed and representatives chosen,

who have come hither, bringing with them the authentic Constitution of the State of California; and they now present themselves, asking, in behalf of their State, that the State may be admitted into this Union as one of the United States. This Constitution, sir, contains an express prohibition against slavery or involuntary servitude in the State of California. It is said, and I suppose truly, that of the members who composed that convention, some sixteen were natives and had been residents of the slave-holding States, about twenty-two were from the non-slave-holding States, and the remaining ten members were either native Californians or old settlers in that country. This prohibition against slavery, it is said, was inserted with entire unanimity.

Mr. HALE. Will the Senator give way until order is restored?

The VICE-PRESIDENT. The sergeant-at-arms will see that order is restored, and no more persons admitted to the floor.

Mr. CASS. I trust the scene of the other day will not be repeated. The sergeant-at-arms must display more energy in suppressing this disorder.

Mr. HALE. The noise is outside of the door.

Mr. WEBSTER. And it is this circumstance, sir, the prohibition of slavery by that convention, which has contributed to raise—I do not say it has wholly raised—the dispute as to the propriety of the admission of California into the Union under this Constitution. It is not to be denied, Mr. President—nobody thinks of denying—that, whatever reasons were assigned at the commencement of the late war with Mexico, it was prosecuted for the purpose of the acquisition of territory, and under the alleged argument that the cession of territory was the only form in which proper compensation could be made to the United

States by Mexico for the various claims and demands which the people of this country had against that Government. At any rate, it will be found that President Polk's message, at the commencement of the session of December, 1847, avowed that the war was to be prosecuted until some acquisition of territory was made. And, as the acquisition was to be south of the line of the United States, in warm climates and countries, it was naturally, I suppose, expected by the South, that whatever acquisitions were made in that region would be added to the slaveholding portion of the United States. Events turned out as was not expected, and that expectation has not been realized; and therefore some degree of disappointment and surprise has resulted, of course. In other words, it is obvious that the question which has so long harassed the country, and at some times very seriously alarmed the minds of wise and good men, has come upon us for a fresh discussion,—the question of slavery in these United States.

Now, sir, I propose—perhaps at the expense of some detail and consequent detention of the Senate—to review, historically, this question of slavery, which, partly in consequence of its own merits, and partly, perhaps mostly, in the manner it is discussed in one and the other portion of the country, has been a source of so much alienation and unkind feeling between the different portions of the Union. We all know, sir, that slavery has existed in the world from time immemorial. There was slavery in the earliest periods of history, in the Oriental nations. There was slavery among the Jews; the theocratic Government of that people made no injunction against it. There was slavery among the Greeks; and the ingenious philosophy of the Greeks found, or sought to find, a justification for it exactly upon the grounds which have been assumed for

such a justification in this country; that is, a natural and original difference among the races of mankind, the inferiority of the black or colored race to the white. The Greeks justified their system of slavery upon that ground precisely. They held the African, and in some parts the Asiatic, tribes to be inferior to the white race; but they did not show, I think, by any close process of logic, that, if this were true, the more intelligent and stronger had, therefore, a right to subjugate the weaker.

The more manly philosophy and jurisprudence of the Romans placed the justification of slavery on entirely different grounds.

The Roman jurists, from the first, and down to the fall of the Empire, admitted that slavery was against the natural law, by which, as they maintained, all men, of whatsoever clime, color, or capacity, were equal; but they justified slavery, first, upon the ground and authority of the law of nations—arguing, and arguing truly, that at that day the conventional law of nations admitted that captives in war, whose lives, according to the notions of the times, were at the absolute disposal of the captors, might, in exchange for exemption from death, be made slaves for life, and that such servitude might extend to their posterity. The jurists of Rome also maintained, that, by the civil law, there might be servitude—slavery, personal and hereditary; first, by the voluntary act of an individual who might sell himself into slavery; second, by his being received into a state of slavery by his creditors in satisfaction of a debt; and, thirdly, by being placed in a state of servitude or slavery for crime. At the introduction of Christianity into the world, the Roman world was full of slaves; and I suppose there is to be found no injunction against that relation between man and man in the teachings of the gospel of Jesus Christ or any of his

apostles. The object of the instruction imparted to mankind by the Founder of Christianity was to touch the heart, purify the soul, and improve the lives of individual men. That object went directly to the first fountain of all political and all social relations of the human race—the individual heart and mind of man.

Now, sir, upon the general nature, and character, and influence of slavery, there exists a wide difference between the Northern portion of this country and the Southern. It is said on the one side that, if not the subject of any injunction or direct prohibition in the New Testament, slavery is a wrong; that it is founded merely in the right of the strongest; and that it is an oppression, like all unjust wars, like all those conflicts by which a mighty nation subjects a weaker nation to their will; and that slavery, in its nature, whatever may be said of it in modifications which have taken place, is not, in fact, according to the meek spirit of the gospel. It is not kindly affectioned; it does not "seek another's, and not its own." It does not "let the oppressed go free." These are sentiments that are cherished, and recently with greatly augmented force, among the people of the Northern States. It has taken hold of the religious sentiment of that part of the country, as it has more or less taken hold of the religious feelings of a considerable portion of mankind. The South, upon the other side, having been accustomed to this relation between the two races all their lives, from their birth—having been taught in general to treat the subjects of this bondage with care and kindness—and I believe, in general, feeling for them great care and kindness—have yet not taken this view of the subject which I have mentioned. There are thousands of religious men, with consciences as tender as any of their brethren at the North, who do not see the unlawfulness of slavery;

and there are more thousands, perhaps, that, whatsoever they may think of it in its origin, and as a matter depending upon natural right, yet take things as they are, and, finding slavery to be an established relation of the society in which they live, can see no way in which—let their opinions on the abstract question be what they may—it is in the power of the present generation to relieve themselves from this relation. And in this respect candor obliges me to say, that I believe they are just as conscientious, many of them, and of the religious people all of them, as they are in the North in holding different opinions.

Why, sir, the honorable Senator from South Carolina, the other day, alluded to the separation of that great religious community, the Methodist Episcopal Church. That separation was brought about by differences of opinion upon this peculiar subject of slavery. I felt great concern, as that dispute went on, about the result, and I was in hopes that the differences of opinion might be adjusted, because I looked upon that religious denomination as one of the great props of religion and morals throughout the whole country, from Maine to Georgia. The result was against my wishes and against my hopes. I have read all their proceedings, and all their arguments, but I have never yet been able to come to the conclusion that there was any real ground for that separation; in other words, that no good could be produced by that separation. I must say I think there was some want of candor and charity. Sir, when a question of this kind takes hold of the religious sentiments of mankind, and comes to be discussed in religious assemblies of the clergy and laity, there is always to be expected, or always to be feared, a great degree of excitement. It is in the nature of man, manifested by his whole history, that religious

disputes are apt to become warm, and men's strength of conviction is proportionate to their views of the magnitude of the questions. In all such disputes there will sometimes men be found with whom every thing is absolute—absolutely wrong, or absolutely right. They see the right clearly; they think others ought to see it, and they are disposed to establish a broad line of distinction between what is right and what is wrong. And they are not seldom willing to establish that line upon their own convictions of the truth and the justice of their own opinions; and are willing to mark and guard that line, by placing along it a series of dogmas, as lines of boundary are marked by posts and stones. There are men who, with clear perceptions, as they think, of their own duty, do not see how too hot a pursuit of one duty may involve them in the violation of others, or how too warm an embracement of one truth may lead to a disregard of other truths equally important. As I heard it stated strongly, not many days ago, these persons are disposed to mount upon some particular duty as upon a war-horse, and to drive furiously on, and upon, and over all other duties that may stand in the way. There are men who, in times of that sort, and disputes of that sort, are of opinion that human duties may be ascertained with the exactness of mathematics. They deal with morals as with mathematics, and they think what is right may be distinguished from what is wrong with the precision of an algebraic equation. They have, therefore, none too much charity toward others who differ from them. They are apt, too, to think that nothing is good but what is perfect, and that there are no compromises or modifications to be made in submission to difference of opinion, or in deference to other men's judgment. If their perspicacious vision enables them to detect a spot on the face of the sun, they think that a good

reason why the sun should be struck down from heaven. They prefer the chance of running into utter darkness, to living in heavenly light, if that heavenly light be not absolutely without any imperfection. There are impatient men—too impatient always to give heed to the admonition of St. Paul, "that we are not to do evil that good may come"—too impatient to wait for the slow progress of moral causes, in the improvement of mankind. They do not remember, that the doctrines and the miracles of Jesus Christ have, in eighteen hundred years, converted only a small portion of the human race; and among the nations that are converted to Christianity, they forget how many vices and crimes, public and private, still prevail, and that many of them—public crimes especially, which are offences against the Christian religion—pass without exciting particular regret or indignation. Thus wars are waged, and unjust wars. I do not deny that there may be just wars. There certainly are; but it was the remark of an eminent person, not many years ago, on the other side of the Atlantic, that it was one of the greatest reproaches to human nature that wars were sometimes necessary. The defence of nations sometimes causes a war against the injustice of other nations.

Now, sir, in this state of sentiment upon the general nature of slavery, lies the cause of a great portion of those unhappy divisions, exasperations, and reproaches which find vent and support in different parts of the Union. Slavery does exist in the United States. It did exist in the States before the adoption of this Constitution, and at that time.

And now let us consider, sir, for a moment, what was the state of sentiment, North and South, in regard to slavery, at the time this Constitution was adopted. A remarkable change has taken place since; but what did

the wise and great men of all parts of the country think of slavery?—in what estimation did they hold it then, when this Constitution was adopted? Now, it will be found, sir, if we will carry ourselves by historical research back to that day, and ascertain men's opinions by authentic records still existing among us, that there was no great diversity of opinion between the North and the South upon the subject of slavery; and it will be found that both parts of the country held it equally an evil—a moral and political evil. It will not be found that either at the North or at the South there was much, though there was some, invective against slavery, as inhuman and cruel. The great ground of objection to it was political; that it weakened the social fabric; that, taking the place of free labor, society was less strong and labor was less productive; and, therefore, we find, from all the eminent men of the time, the clearest expression of their opinion that slavery was an evil. And they ascribed its existence here, not without truth, and not without some acerbity of temper and force of language, to the injurious policy of the mother-country, who, to favor the navigator, had entailed these evils upon the colonies. I need hardly refer, sir, to the publications of the day. They are matters of history on the record. The eminent men, the most eminent men, and nearly all the conspicuous politicians of the South, held the same sentiments; that slavery was an evil, a blight, a blast, a mildew, a scourge, and a curse. There are no terms of reprobation of slavery so vehement in the North of that day as in the South. The North was not so much excited against it as the South, and the reason is, I suppose, because there was much less at the North, and the people did not see, or think they saw, the evils so prominently as they were seen, or thought to be seen, at the South.

Then, sir, when this Constitution was framed, this was the light in which the convention viewed it. The convention reflected the judgment and sentiments of the great men of the South. A member of the other House, whom I have not the honor to know, in a recent speech, has collected extracts from these public documents. They prove the truth of what I am saying, and the question then was, how to deal with it, and how to deal with it as an evil. Well, they came to this general result. They thought that slavery could not be continued in the country, if the importation of slaves were made to cease, and therefore they provided that after a certain period the importation might be prevented by the act of the new Government. Twenty years were proposed by some gentleman,—a Northern gentleman, I think,—and many of the Southern gentlemen opposed it as being too long. Mr. Madison especially was something warm against it. He said it would bring too much of this mischief into the country to allow the importation of slaves for such a period. Because we must take along with us, in the whole of this discussion, when we are considering the sentiments and opinions in which this constitutional provision originated, that the conviction of all men was, that, if the importation of slaves ceased, the white race would multiply faster than the black race, and that slavery would therefore gradually wear out and expire. It may not be improper here to allude to that, I had almost said, celebrated opinion of Mr. Madison. You observe, sir, that the term "slave" or "slavery" is not used in the Constitution. The Constitution does not require that "fugitive slaves" shall be delivered up. It requires that "persons bound to service in one State, and escaping into another, shall be delivered up." Mr. Madison opposed the introduction of the term "slave" or "slavery" into the Constitution; for he said that he did not wish to

see it recognised by the Constitution of the United States of America, that there could be property in men. Now, sir, all this took place at the convention in 1787; but connected with this—concurrent and contemporaneous—is another important transaction not sufficiently attended to. The convention for framing this Constitution assembled in Philadelphia in May, and sat until September, 1787. During all that time the Congress of the United States was in session at New York. It was a matter of design, as we know, that the convention should not assemble in the same city where Congress was holding its sessions. Almost all the public men of the country, therefore, of distinction and eminence, were in one or the other of these two assemblies; and I think it happened in some instances that the same gentlemen were members of both. If I mistake not, such was the case of Mr. Rufus King, then a member of Congress from Massachusetts, and at the same time a member of the convention to frame the Constitution from that State. Now, it was in the summer of 1787, the very time when the convention in Philadelphia was framing this Constitution, that the Congress in New York was framing the ordinance of 1787. They passed that ordinance on the 13th of July, 1787, at New York, the very month, perhaps the very day, on which these questions about the importation of slaves and the character of slavery were debated in the convention at Philadelphia. And, so far as we can now learn, there was a perfect concurrence of opinion between these respective bodies; and it resulted in this ordinance of 1787, excluding slavery as applied to all the territory over which the Congress of the United States had jurisdiction, and that was all the territory northwest of the Ohio. Three years before, Virginia and other States had made a cession of that great territory to the United States. And a most magnificent act it was. I

never reflect upon it without a disposition to do honor and justice—and justice would be the highest honor—to Virginia for that act of cession of her northwestern territory. I will say, sir, it is one of her fairest claims to the respect and gratitude of the United States, and that perhaps it is only second to that other claim which attaches to her—that, from her counsels, and from the intelligence and patriotism of her leading statesmen, proceeded the first idea put into practice for the formation of a general Constitution of the United States. Now, sir, the ordinance of 1787 applied thus to the whole territory over which the Congress of the United States had jurisdiction. It was adopted nearly three years before the Constitution of the United States went into operation, because the ordinance took effect immediately on its passage; while the Constitution of the United States, having been framed, was to be sent to the States to be adopted by their conventions, and then a government had to be organized under it. This ordinance, then, was in operation and force when the Constitution was adopted, and this Government put in motion, in April, 1789.

Mr. President, three things are quite clear as historical truths. One is, that there was an expectation that on the ceasing of the importation of slaves from Africa, slavery would begin to run out. That was hoped and expected. Another is, that, as far as there was any power in Congress to prevent the spread of slavery in the United States, that power was executed in the most absolute manner, and to the fullest extent. An honorable member whose health does not allow him to be here to-day—

A Senator. He is here. (Referring to Mr. Calhoun.)

Mr. Webster. I am very happy to hear that he is; may he long be in health and the enjoyment of it to serve his country—said, the other day, that he considered this

ordinance as the first in the series of measures calculated to enfeeble the South, and deprive them of their just participation in the benefits and privileges of this Government. He says very properly that it was done under the old Confederation, and before this Constitution went into effect; but my present purpose is only to say, Mr. President, that it was done with the entire and unanimous concurrence of the whole South. Why, there it stands! The vote of every State in the Union was unanimous in favor of the ordinance, with the exception of a single individual vote, and that individual was a Northern man. But, sir, the ordinance abolishing or rather prohibiting slavery northwest of the Ohio has the hand and seal of every Southern member in Congress. The other and third clear historical truth is, that the convention meant to leave slavery, in the States, as they found it, entirely under the control of the States.

This was the state of things, sir, and this the state of opinion, under which those very important matters were arranged, and those two important things done; that is, the establishment of the Constitution, with a recognition of slavery as it existed in the States, and the establishment of the ordinance, prohibiting, to the full extent of all territory owned by the United States, the introduction of slavery into those territories, and the leaving to the States all power over slavery, in their own limits. And here, sir, we may pause. We may reflect for a moment upon the entire coincidence and concurrence of sentiment between the North and the South upon these questions at the period of the adoption of the Constitution. But opinions, sir, have changed—greatly changed—changed North and changed South. Slavery is not regarded in the South now as it was then. I see an honorable member of this body paying me the honor of listening to my remarks; he

brings to me, sir, freshly and vividly, the sentiments of his great ancestor, so much distinguished in his day and generation, so worthy to be succeeded by so worthy a grandson, with all the sentiments he expressed in the convention of Philadelphia.

Here we may pause. There was, if not an entire unanimity, a general concurrence of sentiment, running through the whole community, and especially entertained by the eminent men of all portions of the country. But soon a change began at the North and the South, and a severance of opinion showed itself—the North growing much more warm and strong against slavery, and the South growing much more warm and strong in its support. Sir, there is no generation of mankind whose opinions are not subject to be influenced by what appears to them to be their present, emergent, selfish, and exigent interest. I impute to the South no particular selfish view in the change which has come over her. I impute to her certainly no dishonest view. All that has happened has been natural. It has followed those causes which always influence the human mind and operate upon it. What, then, have been the causes which have created so new a feeling in favor of slavery in the South—which have changed the whole nomenclature of the South on the subject—and from being thought of and described in the terms I have mentioned and will not repeat, it has now become an institution, a cherished institution, in that quarter; no evil, no scourge, but a great religious, social, and moral blessing, as I think I have heard it latterly described? I suppose this, sir, is owing to the sudden uprising and rapid growth of the cotton-plantations of the South. So far as any motive of honor, justice, and general judgment could act, it was the cotton-interest that gave a new desire to promote slavery, to spread it, and to use its labor. I again say that that

was produced by the causes which we must always expect to produce like effects; their whole interest became connected with it. If we look back to the history of the commerce of this country, at the early years of this Government, what were our exports? Cotton was hardly, or but to a very limited extent, known. The tables will show that the exports of cotton for the years 1790 and '91 were not more than forty or fifty thousand dollars a year. It has gone on increasing rapidly, until it may now, perhaps, in a season of great product and high prices, amount to a hundred millions of dollars. In the years I have mentioned there was more of wax, more of indigo, more of rice, more of almost every article of export from the South, than of cotton. I think I have heard it said, when Mr. Jay negotiated the treaty of 1794 with England, he did not know that cotton was exported at all from the United States; and I have heard it said that, after the treaty which gave to the United States the right to carry their own commodities to England, in their own ships, the custom-house in London refused to admit cotton, upon an allegation that it could not be an American production, there being, as they supposed, no cotton raised in America. They would hardly think so now!

Well, sir, we know what followed. The age of cotton became a golden age for our Southern brethren. It gratified their desire for improvement and accumulation at the same time that it excited it. The desire grew by what it fed upon, and there soon came to be an eagerness for other territory, a new area, or new areas, for the cultivation of the cotton-crop, and measures leading to this result were brought about, rapidly, one after another, under the lead of Southern men at the head of the Government, they having a majority in both branches to accomplish their ends. The honorable member from Carolina observed that

there has been a majority all along in favor of the North. If that be true, sir, the North has acted either very liberally and kindly, or very weakly; for they never exercised that majority five times in the history of the Government. Never. Whether they were outgeneralled, or whether it was owing to other causes, I shall not stop to consider; but no man acquainted with the history of the country can deny, that the general lead in the politics of the country for three-fourths of the period that has elapsed since the adoption of the Constitution has been a Southern lead. In 1802, in pursuit of the idea of opening a new cotton-region, the United States obtained a cession from Georgia of the whole of her western territory, now embracing the rich and growing State of Alabama. In 1803 Louisiana was purchased from France, out of which the States of Louisiana, Arkansas, and Missouri have been framed, as slaveholding States. In 1819 the cession of Florida was made, bringing another cession of slaveholding property and territory. Sir, the honorable member from South Carolina thought he saw in certain operations of the Government, such as the manner of collecting the revenue and the tendency of those measures to promote emigration into the country, what accounts for the more rapid growth of the North than the South. He thinks that more rapid growth, not the operation of time, but of the system of Government established under this Constitution. That is a matter of opinion. To a certain extent it may be so; but it does seem to me that if any operation of the Government could be shown in any degree to have promoted the population, and growth, and wealth of the North, it is much more sure that there are sundry important and distinct operations of the Government, about which no man can doubt, tending to promote, and which absolutely have promoted, the increase of the slave interest and the slave territory of the South. Allow

me to say that it was not time that brought in Louisiana; it was the act of men. It was not time that brought in Florida; it was the act of men. And lastly, sir, to complete those acts of men, which have contributed so much to enlarge the area and the sphere of the institution of slavery, Texas, great, and vast, and illimitable Texas, was added to the Union, as a slave State, in 1845; and that, sir, pretty much closed the whole chapter, and settled the whole account. That closed the whole chapter—that settled the whole account, because the annexation of Texas, upon the conditions and under the guarantees upon which she was admitted, did not leave an acre of land, capable of being cultivated by slave-labor, between this Capitol and the Rio Grande or the Nueces, or whatever is the proper boundary of Texas—not an acre, not one. From that moment, the whole country, from this place to the western boundary of Texas, was fixed, pledged, fastened, decided, to be slave territory forever, by the solemn guarantees of law. And I now say, sir, as the proposition upon which I stand this day, and upon the truth and firmness of which I intend to act until it is overthrown, that there is not at this moment within the United States, or any territory of the United States, a single foot of land, the character of which, in regard to its being freesoil territory or slave territory, is not fixed by some law, and some irrepealable law, beyond the power of the action of this Government. Now, is it not so with respect to Texas? Why, it is most manifestly so. The honorable member from South Carolina, at the time of the admission of Texas, held an important post in the Executive department of the Government; he was Secretary of State. Another eminent person of great activity and adroitness in affairs, I mean the late Secretary of the Treasury, (Mr. Walker,) was a leading member of this body, and took the lead in the business of annexation;

and I must say they did their business faithfully and thoroughly; there was no botch left in it. They rounded it off, and made as close joiner-work as ever was put together. Resolutions of annexation were brought into Congress fitly joined together—compact, firm, efficient, conclusive upon the great object which they had in view; and those resolutions passed.

Allow me to read the resolution. It is the third clause of the second section of the resolution of the 1st of March, 1845, for the admission of Texas, which applies to this part of the case. That clause reads in these words:

"New States, of convenient size, not exceeding four in number, in addition to said State of Texas, and having sufficient population, may hereafter, by the consent of said State, be formed out of the territory thereof, which shall be entitled to admission under the provisions of the Federal Constitution. And such States as may be formed out of that portion of said territory lying south of 36° 30′ north latitude, commonly known as the Missouri compromise line, shall be admitted into the Union with or without slavery, as the people of each State asking admission may desire; and in such State or States as shall be formed out of said territory north of said Missouri compromise line, slavery or involuntary servitude (except for crime) shall be prohibited."

Now, what is here stipulated, enacted, secured? It is, that all Texas south of 36° 30′, which is nearly the whole of it, shall be admitted into the Union as a slave State. It was a slave State, and therefore came in as a slave State; and the guarantee is that new States shall be made out of it, and that such States as are formed out of that portion of Texas lying south of 36° 30′ may come in as slave States to the number of four, in addition to the State then in existence, and admitted at that time by

these resolutions. I know no form of legislation which can strengthen that. I know no mode of recognition that can add a tittle of weight to it. I listened respectfully to the resolution of my honorable friend from Tennessee (Mr. Bell). He proposed to recognise that stipulation with Texas. But any additional recognition would weaken the force of it, because it stands here on the ground of a contract, a thing done for a consideration. It is a law founded on a contract with Texas, and designed to carry that contract into effect. A recognition founded not on any consideration or any contract would not be so strong as it now stands on the face of the resolution. Now, I know no way, I candidly confess, in which this Government, acting in good faith, as I trust it always will, can relieve itself from that stipulation and pledge, by any honest course of legislation whatever. And, therefore, I say again that, so far as Texas is concerned—the whole of Texas south of 36° 30′, which I suppose embraces all the slave territory—there is no land, not an acre, the character of which is not established by law, a law which cannot be repealed without the violation of a contract, and plain disregard of the public faith.

I hope, sir, it is now apparent that my proposition, so far as Texas is concerned, has been maintained; and the provision in this article—and it has been well suggested by my friend from Rhode Island that that part of Texas which lies north of 34° of north latitude may be formed into free States—is dependent, in like manner, upon the consent of Texas, herself a slave State.

Well, now, sir, how came this? How came it that within these walls, where it is said by the honorable member from South Carolina, that the free States have a majority, this resolution of annexation, such as I have described it, found a majority in both Houses of Congress?

Why, sir, it found that majority by the great addition of Northern votes added to the entire Southern vote, or, at least, nearly the whole of the Southern votes. That majority was made up of Northern as well as of Southern votes. In the House of Representatives it stood, I think, about eighty Southern votes for the admission of Texas, and about fifty Northern votes for the admission of Texas. In the Senate the vote stood for the admission of Texas, twenty-seven, and twenty-five against it; and of those twenty-seven votes, constituting a majority for the admission of Texas in this body, no less than thirteen of them came from the free States—four of them were from New England. The whole of these thirteen Senators from the free States—within a fraction, you see, of one-half of all the votes in this body for the admission of Texas, with its immeasurable extent of slave territory—were sent here by the votes of free States.

Sir, there is not so remarkable a chapter in our history of political events, political parties, and political men, as is afforded by this measure for the admission of Texas, with this immense territory, that a bird cannot fly over in a week. [Laughter.] Sir, New England, with some of her votes, supported this measure. Three-fourths of the votes of liberty-loving Connecticut went for it in the other House, and one-half here. There was one vote for it in Maine, but I am happy to say, not the vote of the honorable member who addressed the Senate the day before yesterday, (Mr. Hamlin,) and who was then a representative from Maine in the other House; but there was a vote or two from Maine—ay, and there was one vote for it from Massachusetts, the gentleman then representing and now living in the district in which the prevalence of free-soil sentiment, for a couple of years or so, has defeated the choice of any member to represent it in Congress.

Sir, that body of Northern and Eastern men who gave those votes at that time, are now seen taking upon themselves, in the nomenclature of politics, the appellation of the Northern Democracy. They undertook to wield the destinies of this empire—if I may call a republic an empire—and their policy was, and they persisted in it, to bring into this country all the territory they could. They did it under pledges, absolute pledges, to the slave interest in the case of Texas, and afterward they lent their aid in bringing in these new conquests. My honorable friend from Georgia, in March, 1847, moved the Senate to declare that the war ought not to be prosecuted for acquisition, for conquest, for the dismemberment of Mexico. The same Northern Democracy entirely voted against it. He did not get a vote from them. It suited the views, the patriotism, the elevated sentiments of the Northern Democracy to bring in a world here, among the mountains and valleys of California and New Mexico, or any other part of Mexico, and then quarrel about it; to bring it in, and then endeavor to put upon it the saving grace of the Wilmot proviso. There were two eminent and highly-respectable gentlemen from the North and East, then leading gentlemen in this Senate: I refer—and I do so with entire respect, for I entertain for both of those gentlemen in general high regard—to Mr. Dix, of New York, and Mr. Niles, of Connecticut, who voted for the admission of Texas. They would not have that vote any other way than as it stood; and they would not have it as it did stand. I speak of the vote upon the annexation of Texas. Those two gentlemen would have the resolution of annexation just as it is, and they voted for it just as it is, and their eyes were all open to it. My honorable friend, the member who addressed us the other day from South Carolina, was then Secretary of State. His corre-

spondence with Mr. Murphy, the Chargé d'Affaires of the United States in Texas, had been published. That correspondence was all before those gentlemen, and the Secretary had the boldness and candor to avow in that correspondence that the great object sought by the annexation of Texas was to strengthen the slave interest of the South. Why, sir, he said, in so many words——

Mr. CALHOUN. Will the honorable Senator permit me to interrupt him for a moment?

Mr. WEBSTER. Certainly.

Mr. CALHOUN. I am very reluctant to interrupt the honorable gentleman; but, upon a point of so much importance, I deem it right to put myself *rectus in curia.* I did not put it upon the ground assumed by the Senator. I put it upon this ground—that Great Britain had announced to this country, in so many words, that her object was to abolish slavery in Texas, and through Texas to accomplish the abolishment of slavery in the United States and the world. The ground I put it on was, that it would make an exposed frontier; and if Great Britain succeeded in her object, it would be impossible that that frontier could be secured against the aggression of the abolitionists; and that this Government was bound, under the guarantees of the Constitution, to protect us against such a state of things.

Mr. WEBSTER. That comes, I suppose, sir, to exactly the same thing. It was, that Texas must be obtained for the security of the slave interest of the South.

Mr. CALHOUN. Another view is very distinctly given.

Mr. WEBSTER. That was the object set forth in the correspondence of a worthy gentleman not now living, who preceded the honorable member from South Carolina in that office. There repose on the files of the department of State, as I have occasion to know, strong letters from

Mr. Upshur to the United States minister in England, and I believe there are some to the same minister from the honorable Senator himself, asserting to this effect the sentiments of this Government, that Great Britain was expected not to interfere to take Texas out of the hands of its then existing Government, and make it a free country. But my argument, my suggestion, is this—that those gentlemen who composed the Northern Democracy when Texas was brought into the Union, saw, with all their eyes, that it was brought in as slave country, and brought in for the purpose of being maintained as slave territory to the Greek kalends. I rather think the honorable gentleman, who was then Secretary of State, might, in some of his correspondence with Mr. Murphy, have suggested that it was not expedient to say too much about this object, that it might create some alarm. At any rate, Mr. Murphy wrote to him, that England was anxious to get rid of the Constitution of Texas, because it was a Constitution establishing slavery; and that what the United States had to do was, to aid the people of Texas in upholding their Constitution; but that nothing should be said that should offend the fanatical men. But, sir, the honorable member did avow this object, himself, openly, boldly, and manfully; he did not disguise his conduct, or his motives.

Mr. CALHOUN. Never, never.

Mr. WEBSTER. What he means he is very apt to say.

Mr. CALHOUN. Always, always.

Mr. WEBSTER. And I honor him for it. This admission of Texas was in 1845. Then, in 1847, *flagrante bello* between the United States and Mexico, the proposition I have mentioned was brought forward by my friend from Georgia, and the Northern Democracy voted straight ahead against it. Their remedy was to apply to the

acquisitions, after they should come in, the Wilmot proviso. What follows? These two gentlemen, worthy, and honorable, and influential men—and if they had not been they could not have carried the measure — these two gentlemen, members of this body, brought in Texas, and by their votes they also prevented the passage of the resolution of the honorable member from Georgia, and then they went home and took the lead in the freesoil party. And there they stand, sir! They leave us here, bound in honor and conscience by the resolutions of annexation—they leave us here to take the odium of fulfilling the obligations in favor of slavery which they voted us into, or else the greater odium of violating those obligations, while they are at home, making rousing and capital speeches for freesoil and no slavery. [Laughter.] And, therefore, I say, sir, that there is not a chapter in our history, respecting public measures and public men, more full of what should create surprise, more full of what does create, in my mind, extreme mortification, than that of the conduct of this Northern Democracy.

Mr. President, sometimes, when a man is found in a new relation to things around him and to other men, he says the world has changed, and that he has not changed. I believe, sir, that our self-respect leads us often to make this declaration in regard to ourselves, when it is not exactly true. An individual is more apt to change, perhaps, than all the world around him. But, under the present circumstances, and under the responsibility which I know I incur by what I am now stating here, I feel at liberty to recur to the various expressions and statements, made at various times, of my own opinions and resolutions respecting the admission of Texas, and all that has followed. Sir, as early as 1836, or in the earlier part of 1837, a matter of conversation and correspondence be-

tween myself and some private friends was this project of annexing Texas to the United States; and an honorable gentleman with whom I have had a long acquaintance, a friend of mine, now perhaps in this chamber—I mean General Hamilton, of South Carolina—was knowing to that correspondence. I had voted for the recognition of Texan independence, because I believed it was an existing fact, surprising and astonishing as it was, and I wished well to the new republic; but I manifested from the first utter opposition to bringing her, with her territory, into the Union. I had occasion, sir, in 1837, to meet friends in New York, on some political occasion, and I then stated my sentiments upon the subject. It was the first time that I had occasion to advert to it; and I will ask a friend near me to do me the favor to read an extract from the speech, for the Senate may find it rather tedious to listen to the whole of it. It was delivered in Niblo's Garden in 1837.

[Mr. GREENE then read the following extract from the speech of the honorable Senator, to which he referred:

"Gentlemen, we all see that, by whomsoever possessed, Texas is likely to be a slaveholding country; and I frankly avow my entire unwillingness to do any thing which shall extend the slavery of the African race on this continent, or add other slaveholding States to the Union.

"When I say that I regard slavery in itself as a great moral, social, and political evil, I only use language which has been adopted by distinguished men, themselves citizens of slaveholding States.

"I shall do nothing, therefore, to favor or encourage its further extension. We have slavery already among us. The Constitution found it among us; it recognised it, and gave it solemn guarantees.

"To the full extent of these guarantees we are all bound

in honor, in justice, and by the Constitution. All the stipulations contained in the Constitution in favor of the slaveholding States, which are already in the Union, ought to be fulfilled, and, so far as depends on me, shall be fulfilled in the fulness of their spirit and to the exactness of their letter. Slavery, as it exists in the States, is beyond the reach of Congress. It is a concern of the States themselves. They never submitted it to Congress, and Congress has no rightful power over it.

"I shall concur, therefore, in no act, no measure, no menace, no indication of purpose which shall interfere or threaten to interfere with the exclusive authority of the several States over the subject of slavery, as it exists within their respective limits. All this appears to me to be matter of plain and imperative duty.

"But when we come to speak of admitting new States, the subject assumes an entirely different aspect. Our rights and our duties are then both different.

* * * * * *

"I see, therefore, no political necessity for the annexation of Texas to the Union—no advantages to be derived from it; and objections to it of a strong, and, in my judgment, of a decisive character."]

Mr. WEBSTER. I have nothing, sir, to add to, nor to take back from, those sentiments. That, the Senate will perceive, was in 1837. The purpose of immediately annexing Texas at that time was abandoned or postponed; and it was not revived with any vigor for some years. In the mean time it had so happened that I had become a member of the Executive administration, and was for a short period in the Department of State. The annexation of Texas was a subject of conversation—not confidential—with the President and heads of department, as well as with other public men. No serious attempt was then made, however, to bring

it about. I left the Department of State in May, 1843, and shortly after I learned, though no way connected with official information, that a design had been taken up of bringing in Texas, with her slave territory and population, into the United States. I was here in Washington at the time, and persons are now here who will remember that we had an arranged meeting for conversation upon it. I went home to Massachusetts, and proclaimed the existence of that purpose; but I could get no audience, and but little attention. Some did not believe it, and some were too much engaged in their own pursuits to give it any heed. They had gone to their farms or to their merchandise, and it was impossible to arouse any sentiment in New England or in Massachusetts that should combine the two great political parties against this annexation; and, indeed, there was no hope of bringing the Northern Democracy into that view, for the leaning was all the other way. But, sir, even with Whigs, and leading Whigs, I am ashamed to say, there was a great indifference toward the admission of Texas with slave territory into this Union. It went on. I was then out of Congress. The annexation resolutions passed the 1st of March, 1845. The Legislature of Texas complied with the conditions, and accepted the guarantees; for the phraseology of the language of the resolution is, that Texas is to come in "upon the conditions and under the guarantees herein prescribed." I happened to be returned to the Senate in March, 1845, and was here in December, 1845, when the acceptance by Texas of the conditions proposed by Congress was laid before us by the President, and an act for the consummation of the connection was laid before the two Houses. The connection was not completed. A final law doing the deed of annexation ultimately and finally had not been passed; and when it was upon its final passage here, I expressed my opposition to it, and recorded

my vote in the negative: and there the vote stands, with the observations that I made upon that occasion. It has happened that between 1837 and this time, on various occasions and opportunities, I have expressed my entire opposition to the admission of slave States, or the acquisition of new slave territories, to be added to the United States. I know, sir, no change in my own sentiments or my own purposes in that respect. I will now again ask my friend from Rhode Island to read another extract from a speech of mine, made at a Whig convention in Springfield, Massachusetts, in the month of September, 1847.

[Mr. GREENE here read the following extract:

"We hear much just now of a *panacea* for the dangers and evils of slavery and slave-annexation, which they call the '*Wilmot Proviso.*' That certainly is a just sentiment, but it is not a sentiment to found any new party upon. It is not a sentiment on which Massachusetts Whigs differ. There is not a man in this hall who holds to it more firmly than I do, nor one who adheres to it more than another.

"I feel some little interest in this matter, sir. Did not I commit myself in 1838 to the whole doctrine, fully, entirely? And I must be permitted to say that I cannot quite consent that more recent discoveries should claim the merit and take out a patent.

"I deny the priority of their invention. Allow me to say, sir, it is not their thunder.

* * * * * *

"We are to use the first, and last, and every occasion which offers to oppose the extension of slave-power.

"But I speak of it here, as in Congress, as a political question, a question for statesmen to act upon. We must so regard it. I certainly do not mean to say that it is less important in a moral point of view, that it is not more important in many other points of view; but, as a legislator,

or in any official capacity, I must look at it, consider it, and decide it as a matter of political action."]

Mr. WEBSTER. On other occasions, in debates here, I have expressed my determination to vote for no acquisition, or cession, or annexation, North or South, East or West. My opinion has been, that we have territory enough, and that we should follow the Spartan maxim, "Improve, adorn what you have, seek no farther." I think that it was in some observations that I made here on the three million loan bill, that I avowed that sentiment. In short, sir, the sentiment has been avowed quite as often, in as many places, and before as many assemblies, as any humble sentiments of mine ought to be avowed.

But now that, under certain conditions, Texas is in, with all her territories, as a slave State, with a solemn pledge that if she is divided into many States, those States may come in as slave States south of 36° 30′, how are we to deal with this subject? I know no way of honorable legislation, when the proper time comes for the enactment, but to carry into effect all that we have stipulated to do. I do not entirely agree with my honorable friend from Tennessee, (Mr. Bell,) that, as soon as the time comes when she is entitled to another representative, we should create a new State. The rule in regard to it I take to be this: that, when we have created new States out of Territories, we have generally gone upon the idea that when there is population enough to form a State, sixty thousand, or some such thing, we would create a State; but it is quite a different thing when a State is divided, and two or more States made out of it. It does not follow, in such a case, that the same rule of apportionment should be applied. That, however, is a matter for the consideration of Congress, when the proper time arrives. I may not then be here. I may have no vote to give on the occasion; but I

wish it to be distinctly understood to-day, that, according to my view of the matter, this Government is solemnly pledged by law to create new States out of Texas, with her consent, when her population shall justify such a proceeding; and, so far as such States are formed out of Texan territory lying south of 36° 30′, to let them come in as slave States. That is the meaning of the resolution which our friends, the Northern Democracy, have left us to fulfil; and I, for one, mean to fulfil it, because I will not violate the faith of the Government.

New, as to California and New Mexico, I hold slavery to be excluded from those Territories by a law even superior to that which admits and sanctions it in Texas. I mean the law of nature,—of physical geography,—the law of the formation of the earth. That law settles forever, with a strength beyond all terms of human enactment, that slavery cannot exist in California or New Mexico. Understand me, sir; I mean slavery as we regard it; slaves in gross, of the colored race, transferable by sale and delivery like other property. I shall not discuss this point, but I leave it to the learned gentlemen who have undertaken to discuss it; but I suppose there is no slave of that description in California now. I understand that *peonism*, a sort of penal servitude, exists there, or rather a sort of voluntary sale of a man and his offspring for debt, as it is arranged and exists in some parts of California and New Mexico. But what I mean to say is, that African slavery, as we see it among us, is as utterly impossible to find itself, or to be found, in Mexico, as any other natural impossibility. California and New Mexico are Asiatic in their formation and scenery. They are composed of vast ridges of mountains of enormous height, with broken ridges and deep valleys. The sides of these mountains are barren, entirely barren, their tops capped by perennial snow.

There may be in California, now made free by its Constitution, and no doubt there are, some tracts of valuable land. But it is not so in New Mexico. Pray, what is the evidence which every gentleman must have obtained on this subject, from information sought by himself or communicated by others? I have inquired and read all I could find in order to obtain information. What is there in New Mexico that could by any possibility induce anybody to go there with slaves? There are some narrow strips of tillable land on the borders of the rivers; but the rivers themselves dry up before midsummer is gone. All that the people can do is to raise some little articles, some little wheat for their tortillas, and all that by irrigation. And who expects to see a hundred black men cultivating tobacco, corn, cotton, rice, or any thing else, on lands in New Mexico made fertile only by irrigation? I look upon it, therefore, as a fixed fact,—to use an expression current at this day,—that both California and New Mexico are destined to be free, so far as they are settled at all, which I believe, especially in regard to New Mexico, will be very little for a great length of time; free by the arrangement of things by the Power above us. I have, therefore, to say, in this respect also, that this country is fixed for freedom, to as many persons as shall ever live there, by as irrepealable and more irrepealable a law than the law that attaches to the right of holding slaves in Texas; and I will say further, that if a resolution or a law were now before us to provide a territorial government for New Mexico, I would not vote to put any prohibition into it whatever. The use of such a prohibition would be idle, as it respects any effect it would have upon the Territory; and I would not take pains to reaffirm an ordinance of Nature, nor to re-enact the will of God. And I would put in no Wilmot Proviso for the purpose of a taunt or a reproach. I would put into it no

evidence of the votes of superior power, to wound the pride, even whether a just pride, a rational pride, or an irrational pride—to wound the pride of the gentlemen who belong to the Southern States. I have no such object, no such purpose. They would think it a taunt, an indignity; they would think it to be an act taking away from them what they regard a proper equality of privilege; and whether they expect to realize any benefit from it or not, they would think it a theoretic wrong; that something more or less derogatory to their character and their rights had taken place. I propose to inflict no such wound upon anybody, unless something essentially important to the country, and efficient to the preservation of liberty and freedom, is to be effected. Therefore, I repeat, sir, and I repeat it because I wish it to be understood, that I do not propose to address the Senate often on this subject. I desire to pour out all my heart in as plain a manner as possible; and I say, again, that if a proposition were now here for a government for New Mexico, and it was moved to insert a provision for a prohibition of slavery, I would not vote for it.

Now, Mr. President, I have established, so far as I proposed to go into any line of observation to establish, the proposition with which I set out, and upon which I propose to stand or fall; and that is, that the whole territory of the States in the United States, or in the newly-acquired territory of the United States, has a fixed and settled character, now fixed and settled by law, which cannot be repealed in the case of Texas without a violation of public faith, and cannot be repealed by any human power in regard to California or New Mexico; that, under one or other of these laws, every foot of territory in the States or in the Territories has now received a fixed and decided character.

Sir, if we were now making a government for New

Mexico, and anybody should propose a Wilmot Proviso, I should treat it exactly as Mr. Polk treated that provision for excluding slavery from Oregon. Mr. Polk was known to be in opinion decidedly averse to the Wilmot Proviso; but he felt the necessity of establishing a government for the Territory of Oregon, and though the proviso was there, he knew it would be entirely nugatory; and, since it must be entirely nugatory, since it took away no right, no describable, no estimable, no weighable or tangible right of the South, he said he would sign the bill for the sake of enacting a law to form a government in that Territory, and let that entirely useless, and, in that connection, entirely senseless, proviso remain. For myself, I will say that we hear much of the annexation of Canada; and if there be any man, any of the Northern Democracy, or any one of the Freesoil party, who supposes it necessary to insert a Wilmot Proviso in a territorial government for New Mexico, that man will of course be of opinion that it is necessary to protect the everlasting snows of Canada from the foot of slavery by the same overpowering wing of an act of Congress. Sir, wherever there is a particular good to be done, wherever there is a foot of land to be stayed back from becoming slave territory, I am ready to assert the principle of the exclusion of slavery. I am pledged to it from the year 1837; I have been pledged to it again and again; and I will perform those pledges; but I will not do a thing unnecessary, that wounds the feelings of others, or that does disgrace to my own understanding.

Mr. President, in the excited times in which we live, there is found to exist a state of crimination and recrimination between the North and South. There are lists of grievances produced by each; and those grievances, real or supposed, alienate the minds of one portion of the country from the other, exasperate the feelings, subdue

the sense of fraternal connection, and patriotic love, and mutual regard. I shall bestow a little attention, sir, upon these various grievances produced on the one side and on the other. I begin with the complaints of the South. I will not answer, further than I have, the general statements of the honorable Senator from South Carolina, that the North has grown upon the South in consequence of the manner of administering this Government, in the collecting of its revenues, and so forth. These are disputed topics, and I have no inclination to enter into them. But I will state these complaints, especially one complaint of the South, which has, in my opinion, just foundation; and that is, that there has been found at the North, among individuals, and among the legislators of the North, a disinclination to perform, fully, their constitutional duties in regard to the return of persons bound to service, who have escaped into the free States. In that respect, it is my judgment that the South is right, and the North is wrong. Every member of every Northern legislature is bound, like every other officer in the country, by oath, to support the Constitution of the United States; and this article of the Constitution, which says to these States, they shall deliver up fugitives from service, is as binding in honor and conscience as any other article. No man fulfils his duty in any legislature who sets himself to find excuses, evasions, escapes from this constitutional obligation. I have always thought that the Constitution addressed itself to the legislatures of the States or to the States themselves. It says that those persons escaping to other States shall be delivered up, and I confess I have always been of the opinion that it was an injunction upon the States themselves. When it is said that a person escaping into another State, and becoming therefore within the jurisdiction of that State, shall be delivered up,

it seems to me the import of the passage is, that the State itself, in obedience to the Constitution, shall cause him to be delivered up. That is my judgment. I have always entertained that opinion, and I entertain it now. But when the subject, some years ago, was before the Supreme Court of the United States, the majority of the judges held that the power to cause fugitives from service to be delivered up was a power to be exercised under the authority of this Government. I do not know, on the whole, that it may not have been a fortunate decision. My habit is to respect the result of judicial deliberations, and the solemnity of judicial decisions. But as it now stands, the business of seeing that these fugitives are delivered up resides in the power of Congress and the national judicature, and my friend at the head of the judiciary committee has a bill on the subject now before the Senate with some amendments to it, which I propose to support, with all its provisions, to the fullest extent. And I desire to call the attention of all sober-minded men, of all conscientious men, in the North, of all men who are not carried away by any fanatical idea, or by any false idea whatever, to their constitutional obligations. I put it to all the sober and sound minds at the North, as a question of morals and a question of conscience, What right have they, in their legislative capacity, or any other, to endeavor to get round this Constitution, to embarrass the free exercise of the rights secured by the Constitution to the persons whose slaves escape from them? None at all; none at all. Neither in the forum of conscience, nor before the face of the Constitution, are they justified, in my opinion. Of course it is a matter for their consideration. They probably, in the turmoil of the times, have not stopped to consider of this; they have followed what seems to be the current of thought and of motives, as the

occasion arose, and neglected to investigate fully the real question, and to consider their constitutional obligations; as I am sure, if they did consider, they would fulfil them with alacrity. Therefore I repeat, sir, that there is a ground of complaint against the North, well founded, which ought to be removed, which it is now in the power of the different departments of this Government to remove, which calls for the enactment of proper laws authorizing the judicature of this Government, in the several States, to do all that is necessary for the recapture of fugitive slaves, and for the restoration of them to those who claim them. Wherever I go, and whenever I speak on this subject,—and when I speak here I desire to speak to the whole North,—I say that the South has been injured in this respect, and has a right to complain; and the North has been too careless of what I think the Constitution peremptorily and emphatically enjoins upon it as a duty.

Complaint has been made against certain resolutions that emanate from legislatures at the North, and are sent here to us, not only on the subject of slavery in this District, but sometimes recommending Congress to consider the means of abolishing slavery in the States. I should be very sorry to be called upon to present any resolutions here which could not be referable to any committee or any power in Congress; and therefore I should be very unwilling to receive from Massachusetts instructions to present resolutions expressing any opinion whatever upon slavery as it exists at the present moment in the States, for two reasons: because, first, I do not consider that the Legislature of Massachusetts has any thing to do with it; and next, I do not consider that I, as her representative here, have any thing to do with it. Sir, it has become, in my opinion, quite too common; and if the legis-

latures of the States do not like that opinion, they have a great deal more power to put it down than I have to uphold it. It has become, in my opinion, quite too common a practice for the State legislatures to present resolutions here on all subjects, and to instruct us here on all subjects. There is no public man that requires instruction more than I do, or who requires information more than I do, or desires it more heartily; but I do not like to have it come in too imperative a shape. I took notice, with pleasure, of some remarks upon this subject, made the other day in the Senate of Massachusetts, by a young man of talent and character, from whom the best hopes may be entertained. I mean Mr. Hillard. He told the Senate of Massachusetts that he would vote for no instructions whatever to be forwarded to members of Congress, nor for any resolutions to be offered expressive of the sense of Massachusetts as to what their members of Congress ought to do. He said that he saw no propriety in one set of public servants giving instructions and reading lectures to another set of public servants. To their own master all of them must stand or fall, and that master is their constituents. I wish these sentiments could become more common, a great deal more common. I have never entered into the question, and never shall, about the binding force of instructions. I will, however, simply say this: if there be any matter of interest pending in this body while I am a member of it, in which Massachusetts has an interest of her own not adverse to the general interest of the country, I shall pursue her instructions with gladness of heart, and with all the efficiency which I can bring it. But if the question be one which affects her interest, and at the same time affects the interest of all other States, I shall no more regard her political wishes or instructions than I would regard the wishes of a

man who might appoint me an arbiter or referee to decide some question of important private right, and who might instruct me to decide in his favor. If ever there was a Government upon earth, it is this Government; if ever there was a body upon earth, it is this body, which should consider itself as composed by agreement of all, appointed by some, but organized by the general consent of all, sitting here under the solemn obligations of oath and conscience to do that which they think is best for the good of the whole.

Then, sir, there are these abolition societies, of which I am unwilling to speak, but in regard to which I have very clear notions and opinions. I do not think them useful. I think their operations for the last twenty years have produced nothing good or valuable. At the same time, I know thousands of them are honest and good men; perfectly well-meaning men. They have excited feelings —they think they must do something for the cause of liberty, and in their sphere of action they do not see what else they can do, than to contribute to an abolition press or an abolition society, or to pay an abolition lecturer. I do not mean to impute gross motives even to the leaders of these societies, but I am not blind to the consequences. I cannot but see what mischiefs their interference with the South has produced. And is it not plain to every man? Let any gentleman who doubts of that, recur to the debates in the Virginia House of Delegates in 1832, and he will see with what freedom a proposition made by Mr. Randolph for the gradual abolition of slavery was discussed in that body. Every one spoke of slavery as he thought; very ignominious and disparaging names and epithets were applied to it. The debates in the House of Delegates on that occasion, I believe, were all published. They were read by every colored man who could read,

and if there were any who could not read, those debates were read to them by others. At that time Virginia was not unwilling nor afraid to discuss this question, and to let that part of her population know as much of it as they could learn. That was in 1832. As has been said by the honorable member from Carolina, these abolition societies commenced their course of action in 1835. It is said—I do not know how true it may be—that they sent incendiary publications into the slave States; at any event, they attempted to arouse, and did arouse, a very strong feeling; in other words, they created great agitation in the North against Southern slavery. Well, what was the result? The bonds of the slaves were bound more firmly than before; their rivets were more strongly fastened. Public opinion, which in Virginia had begun to be exhibited against slavery, and was opening out for the discussion of the question, drew back and shut itself up in its castle. I wish to know whether anybody in Virginia can, now, talk as Mr. Randolph, Governor McDowell, and others talked there, openly, and sent their remarks to the press, in 1832. We all know the fact, and we all know the cause; and every thing that this agitating people have done has been, not to enlarge, but to restrain; not to set free, but to bind faster, the slave population of the South. That is my judgment. Sir, as I have said, I know many abolitionists in my own neighborhood, very honest, good people, misled, as I think, by strange enthusiasm; but they wish to do something, and they are called on to contribute, and they do contribute; and it is my firm opinion this day, that within the last twenty years, as much money has been collected and paid to the abolition societies, abolition presses, and abolition lecturers, as would purchase the freedom of every slave man, woman, and child in the State of Maryland, and send them all to Liberia. I have

no doubt of it. But I have yet to learn that the benevolence of these abolition societies has at any time taken that particular turn. [Laughter.]

Again, sir, the violence of the press is complained of. The press violent! Why, sir, the press is violent everywhere. There are outrageous reproaches in the North against the South, and there are reproaches in not much better taste in the South against the North. Sir, the extremists in both parts of this country are violent; they mistake loud and violent talk for eloquence and for reason. They think that he who talks loudest reasons the best. And this we must expect, when the press is free—as it is here, and I trust always will be—for, with all its licentiousness, and all its evils, the entire and absolute freedom of the press is essential to the preservation of government on the basis of a free Constitution. Wherever it exists, there will be foolish paragraphs and violent paragraphs in the press, as there are, I am sorry to say, foolish speeches and violent speeches in both Houses of Congress. In truth, sir, I must say that, in my opinion, the vernacular tongue of the country has become greatly vitiated, depraved, and corrupted by the style of our Congressional debates. [Laughter.] And if it were possible for our debates in Congress to vitiate the principles of the people as much as they have depraved their taste, I should cry out, "God save the Republic!"

Well, in all this I see no solid grievance; no grievance presented by the South, within the redress of the Government, but the single one to which I have referred; and that is, the want of a proper regard to the injunction of the Constitution for the delivery of fugitive slaves.

There are also complaints of the North against the South. I need not go over them particularly. The first and gravest is, that the North adopted the Constitution,

recognising the existence of slavery in the States, and recognising the right, to a certain extent, of representation of the slaves in Congress, under a state of sentiment and expectation which do not now exist; and that, by events, by circumstances, by the eagerness of the South to acquire territory and extend their slave population, the North finds itself—in regard to the influence of the South and the North, of the free States and the slave States—where it never did expect to find itself when they entered the compact of the Constitution. They complain, therefore, that, instead of slavery being regarded as an evil, as it was then—an evil which all hoped would be extinguished gradually—it is now regarded by the South as an institution to be cherished, and preserved, and extended; an institution which the South has already extended to the utmost of her power by the acquisition of new territory. Well, then, passing from that, everybody in the North reads; and everybody reads whatsoever the newspapers contain; and the newspapers—some of them, especially those presses to which I have alluded—are careful to spread about among the people every reproachful sentiment uttered by any Southern man bearing at all against the North; every thing that is calculated to exasperate, to alienate; and there are many such things, as everybody will admit, from the South or some portion of it, which are spread abroad among the reading people; and they do exasperate, and alienate, and produce a most mischievous effect upon the public mind at the North. Sir, I would not notice things of this sort, appearing in obscure quarters; but one thing has occurred in this debate which struck me very forcibly. An honorable member from Louisiana addressed us the other day on this subject. I suppose there is not a more amiable and worthy gentleman in this chamber—nor a gentleman who

would be more slow to give offence to anybody, and he did not mean in his remarks to give offence. But what did he say? Why, sir, he took pains to run a contrast between the slaves of the South and the laboring people of the North, giving the preference in all points of condition, and comfort, and happiness, to the slaves of the South. The honorable member, doubtless, did not suppose that he gave any offence, or did any injustice. He was merely expressing his opinion. But does he know how remarks of that sort will be received by the laboring people of the North? Why, who are the laboring people of the North? They are the North. They are the people who cultivate their own farms with their own hands; freeholders, educated men, independent men. Let me say, sir, that five-sixths of the whole property of the North is in the hands of the laborers of the North; they cultivate their farms, they educate their children, they provide the means of independence; if they are not freeholders, they earn wages; these wages accumulate, are turned into capital, into new freeholds, and small capitalists are created. That is the case, and such the course of things with us, among the industrious and frugal. And what can these people think, when so respectable and worthy a gentleman as the member from Louisiana undertakes to prove that the absolute ignorance and the abject slavery of the South is more in conformity with the high purposes and destiny of immortal, rational, human beings, than the educated, the independent free laborers of the North? There is a more tangible and irritating cause of grievance at the North. Free blacks are constantly employed in the vessels of the North, generally as cooks or stewards. When the vessel arrives, these free colored men are taken on shore by the police or municipal authority, imprisoned, and kept in prison, until the vessel is again

ready to sail. This is not only irritating, but exceedingly inconvenient in practice, and seems altogether impracticable and oppressive. Mr. Hoar's mission, some time ago, to South Carolina, was a well-intended effort to remove this cause of complaint. The North think such imprisonments illegal and unconstitutional. As the cases occur constantly and frequently, they think it a great grievance.

Now, sir, so far as any of these grievances have their foundation in matters of law, they can be redressed, and ought to be redressed; and so far as they have their foundation in matters of opinion, in sentiment, in mutual crimination and recrimination, all that we can do is, to endeavor to allay the agitation, and cultivate a better feeling and more fraternal sentiments between the South and the North.

Mr. President, I should much prefer to have heard from every member on this floor declarations of opinion, that this Union should never be dissolved, than the declarations of opinion, that, in any case, under the pressure of any circumstances, such a dissolution was possible. I hear with pain, and anguish, and distress, the word *secession*, especially when it falls from the lips of those who are eminently patriotic, and known to the country, and known all over the world, for their political services. Secession! Peaceable secession! Sir, your eyes and mine are never destined to see that miracle. The dismemberment of this vast country without convulsion! The breaking up of the fountains of the great deep without ruffling the surface! Who is so foolish—I beg everybody's pardon—as to expect to see any such thing? Sir, he who sees these States now revolving in harmony around a common centre, expecting to see them quit their places, and fly off, without convulsion, may look, the next hour, to see the heavenly bodies

rush from their spheres, and jostle against each other in the realms of space, without producing the crash of the universe. There can be no such thing as a peaceable secession. Peaceable secession is an utter impossibility. Is the great Constitution under which we live here, covering this whole country—is it to be thawed and melted away by secession, as the snows on the mountain melt under the influence of a vernal sun—disappear almost unobserved, and die off? No, sir! No, sir! I will not state what might produce the disruption of the States; but, sir, I see it as plainly as I see the sun in heaven—I see that disruption must produce such a war as I will not describe *in its twofold character!*

Peaceable secession! peaceable secession! The concurrent agreement of all the members of this great Republic to separate! A voluntary separation, with alimony on one side and on the other! Why, what would be the result? Where is the line to be drawn? What States are to secede? What is to remain American? What am I to be? An American no longer? Where is the flag of the Republic to remain? Where is the eagle still to tower? or is he to cower, and shriek, and fall to the ground? Why, sir, our ancestors—our fathers and our grandfathers, those of them that are yet living amongst us with prolonged lives—would rebuke and reproach us; and our children and our grandchildren would cry out shame upon us, if we of this generation should dishonor these ensigns of the power of the Government and the harmony of the Union which is every day felt among us with so much joy and gratitude. What is to become of the army? What is to become of the navy? What is to become of the public lands? How is each of the thirty States to defend itself? I know, although the idea has not been stated distinctly. There is to be a Southern Confederacy. I do not mean,

when I allude to this statement, that any one seriously contemplates such a state of things. I do not mean to say that it is true, but I have heard it suggested elsewhere, that that idea has originated in a design to separate. I am sorry, sir, that it has ever been thought of, talked of, or dreamed of, in the wildest flights of human imagination. But the idea must be of a separation including the slave States upon one side, and the free States on the other. Sir, there is not—I may express myself too strongly, perhaps, but some things, some moral things, are almost as impossible as other natural or physical things; and I hold the idea of a separation of these States, those that are free to form one government, and those that are slaveholding to form another, as a moral impossibility. We could not separate the States by any such line, if we were to draw it. We could not sit down here to-day, and draw a line of separation that would satisfy any five men in the country. There are natural causes that would keep and tie us together; and there are social and domestic relations which we could not break if we would, and which we should not if we could. Sir, nobody can look over the face of this country at the present moment—nobody can see where its population is the most dense and growing—without being ready to admit, and compelled to admit, that ere long America will be in the Valley of the Mississippi.

Well, now, sir, I beg to inquire what the wildest enthusiast has to say on the possibility of cutting off that river, and leaving free States at its source and its branches, and slave States down near its mouth. Pray, sir, pray, sir, let me say to the people of this country, that these things are worthy of their pondering and of their consideration. Here, sir, are five millions of freemen in the free States north of the river Ohio; can anybody suppose that this population can be severed by a line that divides them from the ter-

ritory of a foreign and an alien government, down somewhere, the Lord knows where, upon the lower banks of the Mississippi? What would become of Missouri? Will she join the arrondissement of the slave States? Shall the man from the Yellow Stone and the Platte River be connected, in the new Republic, with the man who lives on the southern extremity of the Cape of Florida? Sir, I am ashamed to pursue this line of remark. I dislike it; I have an utter disgust for it. I would rather hear of natural blasts and mildews, war, pestilence, and famine, than to hear gentlemen talk of secession. To break up—to break up this great Government—to dismember this great country—to astonish Europe with an act of folly such as Europe for two centuries has never beheld in any Government! No, sir; no, sir! There will be no secession. Gentlemen are not serious when they talk of secession!

Sir, I hear there is to be a convention held at Nashville. I am bound to believe, that, if worthy gentlemen meet at Nashville in convention, their object will be to adopt counsels conciliatory—to advise the South to forbearance and moderation, and to advise the North to forbearance and moderation, and to inculcate principles of brotherly love and affection, and attachment to the Constitution of the country as it now is. I believe, if the convention meet at all, it will be for this purpose; for certainly, if they meet for any purpose hostile to the Union, they have been singularly inappropriate in their selection of a place. I remember, sir, that when the treaty was concluded between France and England at the peace of Amiens, a stern old Englishman, and an orator, who disliked the terms of the peace as ignominious to England, said in the House of Commons, that, if King William could know the terms of that treaty, he would turn in his coffin. Let me commend the saying of Mr. Windham, in all its emphasis and in all

its force, to any persons who shall meet at Nashville for the purpose of concerting measures for the overthrow of the Union of this country over the bones of Andrew Jackson.

Sir, I wish to make two remarks, and hasten to a conclusion. I wish to say, in regard to Texas, that if it should be hereafter at any time the pleasure of the Government of Texas to cede to the United States a portion, larger or smaller, of her territory which lies adjacent to New Mexico, and north of 34° of north latitude, to be formed into free States, for a fair equivalent in money, or in the payment of her debt, I think it an object well worthy the consideration of Congress, and I shall be happy to concur in it myself, if I should be in the public councils of the country at the time.

I have one other remark to make. In my observations upon slavery, as it has existed in the country, and as it now exists, I have expressed no opinion of the mode of its extinguishment or amelioration. I will say, however, though I have nothing to propose on that subject, because I do not deem myself competent as other gentlemen to consider it, that if any gentleman from the South shall propose a scheme of colonization, to be carried on by this Government, upon a large scale, for the transportation of free colored people to any colony, or any place in the world, I should be quite disposed to incur almost any degree of expense to accomplish that object. Nay, sir, following an example set here more than twenty years ago, by a great man, then a Senator from New York, I would return to Virginia—and through her, for the benefit of the whole South—the money received from the lands and territories ceded by her to this Government, for any such purpose as to relieve, in whole or in part, or in any way to diminish or deal beneficially with the free colored population of the

Southern States. I have said that I honor Virginia for her cession of this territory. There have been received into the treasury of the United States eighty millions of dollars, the proceeds of the sales of public lands ceded by Virginia. If the residue should be sold at the same rate, the whole aggregate will exceed two hundred millions of dollars. If Virginia and the South see fit to adopt any proposition to relieve themselves from the free people of color among them, they have my free consent that the Government shall pay them any sum of money out of its proceeds which may be adequate to the purpose.

And now, Mr. President, I draw these observations to a close. I have spoken freely, and I meant to do so. I have sought to make no display; I have sought to enliven the occasion by no animated discussion; nor have I attempted any train of elaborate argument. I have sought only to speak my sentiments, fully and at large, being desirous, once and for all, to let the Senate know, and to let the country know, the opinions and sentiments which I entertain on all these subjects. These opinions are not likely to be suddenly changed. If there be any future service that I can render to the country, consistently with these sentiments and opinions, I shall cheerfully render it. If there be not, I shall still be glad to have had an opportunity to disburden my conscience from the bottom of my heart, and to make known every political sentiment that therein exists.

And now, Mr. President, instead of speaking of the possibility or utility of secession, instead of dwelling in these caverns of darkness, instead of groping with those ideas so full of all that is horrid and horrible, let us come out into the light of day; let us enjoy the fresh airs of Liberty and Union; let us cherish those hopes which belong to us; let us devote ourselves to those great objects that

are fit for our consideration and our action; let us raise our conceptions to the magnitude and the importance of the duties that devolve upon us; let our comprehension be as broad as the country for which we act, our aspirations as high as its certain destiny; let us not be pygmies in a case that calls for men. Never did there devolve on any generation of men higher trusts than now devolve upon us for the preservation of this Constitution, and the harmony and peace of all who are destined to live under it. Let us make our generation one of the strongest and the brightest links in that golden chain which is destined, I fondly believe, to grapple the people of all the States to this Constitution, for ages to come. It is a great popular constitutional Government, guarded by legislation, by law, by judicature, and defended by the whole affections of the people. No monarchical throne presses these States together; no iron chain of despotic power encircles them; they live and stand upon a Government popular in its form, representative in its character, founded upon principles of equality, and calculated, we hope, to last forever. In all its history it has been beneficent; it has trodden down no man's liberty; it has crushed no State. Its daily respiration is liberty and patriotism, its yet youthful veins are full of enterprise, courage, and honorable love of glory and renown. Large before, the country has now, by recent events, become vastly larger. This Republic now extends, with a vast breadth, across the whole Continent. The two great seas of the world wash the one and the other shore. We realize, on a mighty scale, the beautiful description of the ornamental edging of the buckler of Achilles:

> "Now the broad shield complete the artist crown'd
> With his last hand, and pour'd the ocean round;
> In living silver seem'd the waves to roll,
> And beat the buckler's verge, and bound the whole."

III.

SPEECH ON THE GREEK REVOLUTION,

Delivered in the House of Representatives of the United States, January 19, 1823,

---

On the 8th of December, 1823, Mr. Webster presented, in the House of Representatives, the following resolution:

"*Resolved*, That provision ought to be made, by law, for defraying the expense incident to the appointment of an agent or commissioner to Greece, whenever the President shall deem it expedient to make such appointment."

The House having, on the 19th of January, resolved itself into a Committee of the Whole, and this resolution being taken into consideration, Mr. Webster spoke to the following effect:

I am afraid, Mr. Chairman, that, so far as my part in this discussion is concerned, those expectations which the public excitement, existing on the subject, and certain associations, easily suggested by it, have conspired to raise, may be disappointed. An occasion which calls the attention to a spot, so distinguished, so connected with interesting recollections, as Greece, may naturally create something of warmth and enthusiasm. In a grave, political discussion, however, it is necessary that that feeling should be chastised. I shall endeavor properly to repress it, although it is impossible that it should be altogether extinguished. We must, indeed, fly beyond the civilized world, we must

pass the dominion of law, and the boundaries of knowledge; we must, more especially, withdraw ourselves from this place, and the scenes and objects which here surround us, if we would separate ourselves, entirely, from the influence of all those memorials of herself which ancient Greece has transmitted for the admiration and the benefit of mankind. This free form of government, this popular assembly, the common council held for the common good, where have we contemplated its earliest models? This practice of free debate, and public discussion, the contest of mind with mind, and that popular eloquence which, if it were now here, on a subject like this, would move the stones of the Capitol,—whose was the language in which all these were first exhibited? Even the edifice in which we assemble, these proportioned columns, this ornamented architecture, all remind us that Greece has existed, and that we, like the rest of mankind, are greatly her debtors. But I have not introduced this motion in the vain hope of discharging any thing of this accumulated debt of centuries. I have not acted upon the expectation, that we, who have inherited this obligation from our ancestors, should now attempt to pay it to those who may seem to have inherited from *their* ancestors a right to receive payment. My object is nearer and more immediate. I wish to take occasion of the struggle of an interesting and gallant people, in the cause of liberty and Christianity, to draw the attention of the House to the circumstances which have accompanied that struggle, and to the principles which appear to have governed the conduct of the great States of Europe in regard to it; and to the effects and consequences of these principles upon the independence of nations, and especially upon the institutions of free governments. What I have to say of Greece, therefore, concerns the modern, not the ancient; the living, and

not the dead. It regards her, not as she exists in history, triumphant over time, and tyranny, and ignorance; but as she now is, contending against fearful odds for being, and for the common privilege of human nature.

As it is never difficult to recite commonplace remarks, and trite aphorisms; so it may be easy, I am aware, on this occasion, to remind me of the wisdom which dictates to men a care of their own affairs, and admonishes them, instead of searching for adventures abroad, to leave other men's concerns in their own hands. It may be easy to call this resolution *Quixotic*, the emanation of a crusading or propagandist spirit. All this, and more, may be readily said; but all this, and more, will not be allowed to fix a character upon this proceeding, until that is proved, which it takes for granted. Let it first be *shown*, that, in this question, there is nothing which can affect the interest, the character, or the duty of this country. Let it be proved, that we are not called upon by either of these considerations, to express an opinion on the subject to which the resolution relates. Let this be proved, and then it will, indeed, be made out, that neither ought this resolution to pass, nor ought the subject of it to have been mentioned in the communication of the President to us. But, in my opinion, this cannot be shown. In my judgment, the subject is interesting to the people and the Government of this country, and we are called upon, by considerations of great weight and moment, to express our opinions upon it. These considerations, I think, spring from a sense of our own duty, our character, and our own interest. I wish to treat the subject on such grounds, exclusively, as are truly *American;* but then, in considering it as an American question, I cannot forget the age in which we live, the prevailing spirit of the age, the interesting questions which agitate it, and our own peculiar relation in regard to these

interesting questions. Let this be, then, and as far as I am concerned I hope it will be, purely an American discussion; but let it embrace, nevertheless, every thing that fairly concerns America; let it comprehend, not merely her present advantage, but her permanent interest, her elevated character, as one of the free States of the world, and her duty toward those great principles, which have hitherto maintained the relative independence of nations, and which have, more especially, made her what she is.

At the commencement of the session, the President, in the discharge of the high duties of his office, called our attention to the subject to which this resolution refers. "A strong hope," says that communication, "has been long entertained, founded on the heroic struggle of the Greeks, that they would succeed in their contest, and resume their equal station among the nations of the earth. It is believed that the whole civilized world takes a deep interest in their welfare. Although no power has declared in their favor, yet none, according to our information, has taken part against them. Their cause and their name have protected them from dangers, which might, ere this, have overwhelmed any other people. The ordinary calculations of interest, and of acquisition with a view to aggrandizement, which mingle so much in the transactions of nations, seem to have had no effect in regard to them. From the facts which have come to our knowledge, there is good cause to believe that their enemy has lost, forever, all dominion over them; that Greece will become again an independent nation."

It has appeared to me, that the House should adopt some resolution, reciprocating these sentiments so far as it should approve them. More than twenty years have elapsed, since Congress first ceased to receive such a communication from the President, as could properly be made

the subject of a general answer. I do not mean to find fault with this relinquishment of a former, and an ancient practice. It may have been attended with inconveniences which justified its abolition. But, certainly, there was one advantage belonging to it; and that is, that it furnished a fit opportunity for the expression of the opinion of the Houses of Congress, upon those topics in the executive communication, which were not expected to be made the immediate subjects of direct legislation. Since, therefore, the President's message does not now receive a general answer, it has seemed to me to be proper, that in some mode, agreeable to our own usual form of proceeding, we should express our sentiments upon the important and interesting topics on which it treats.

If the sentiments of the message in respect to Greece be proper, it is equally proper that this House should reciprocate those sentiments. The present resolution is designed to have that extent, and no more. If it pass, it will leave any future proceeding where it now is, in the discretion of the Executive Government. It is but an expression, under those forms in which the House is accustomed to act, of the satisfaction of the House with the general sentiments expressed in regard to this subject in the message, and of its readiness to defray the expense incident to any inquiry for the purpose of further information, or any other agency which the President, in his discretion, shall see fit, in whatever manner, and at whatever time, to institute. The whole matter is still left in his judgment, and this resolution can in no way restrain its unlimited exercise.

I might well, Mr. Chairman, avoid the responsibility of this measure, if it had, in my judgment, any tendency to change the policy of the country. With the general course of that policy I am quite satisfied. The nation is

prosperous, peaceful, and happy; and I should very re luctantly put its peace, prosperity, or happiness, at risk. It appears to me, however, that this resolution is strictly conformable to our general policy, and not only consistent with our interests, but even demanded by a large and liberal view of those interests.

It is certainly true, that the just policy of this country is, in the first place, a peaceful policy. No nation ever had less to expect from forcible aggrandizement. The mighty agents which are working out our greatness, are time, industry, and the arts. Our augmentation is by growth, not by acquisition; by internal development, not by external accession. No schemes can be suggested to us, so magnificent as the prospects which a sober contemplation of our own condition, unaided by projects, uninfluenced by ambition, fairly spreads before us. A country of such vast extent, with such varieties of soil and climate; with so much public spirit and private enterprise; with a population increasing so much beyond former examples, with capacities of improvement not only unapplied or unexhausted, but even, in a great measure, as yet, unexplored; so free in its institutions, so mild in its laws, so secure in the title it confers on every man to his own acquisitions; needs nothing but time and peace to carry it forward to almost any point of advancement.

In the next place, I take it for granted, that the policy of this country, springing from the nature of our Government, and the spirit of all our institutions, is, so far as it respects the interesting questions which agitate the present age, on the side of liberal and enlightened sentiments. The age is extraordinary; the spirit that actuates it, is peculiar and marked; and our own relation to the times we live in, and to the questions which interest them, is equally marked and peculiar. We are placed, by our

good fortune, and the wisdom and valor of our ancestors, in a condition in which we can act no obscure part. Be it for honor, or be it for dishonor, whatever we do, is not likely to escape the observation of the world. As one of the free States among the nations, as a great and rapidly-rising republic, it would be impossible for us, if we were so disposed, to prevent our principles, our sentiments, and our example, from producing some effect upon the opinions and hopes of society throughout the civilized world. It rests probably with ourselves to determine, whether the influence of these shall be salutary or pernicious.

It cannot be denied that the great political question of this age, is that between absolute and regulated governments. The substance of the controversy is, whether society shall have any part in its own government. Whether the form of government shall be that of limited monarchy, with more or less mixture of hereditary power, or wholly elective, or representative, may perhaps be considered as subordinate. The main controversy is between that absolute rule, which, while it promises to govern well, means nevertheless to govern without control, and that regulated or constitutional system, which restrains sovereign discretion, and asserts that society may claim, as matter of right, some effective power in the establishment of the laws which are to regulate it. The spirit of the times sets with a most powerful current, in favor of these last-mentioned opinions. It is opposed, however, whenever and wherever it shows itself, by certain of the great potentates of Europe; and it is opposed on grounds as applicable in one civilized nation as in another, and which would justify such opposition in relation to the United States, as well as in relation to any other state or nation, if time and circumstance should render such opposition expedient.

What part it becomes this country to take on a question of this sort, so far as it is called upon to take any part, cannot be doubtful. Our side of this question is settled for us, even without our own volition. Our history, our situation, our character, necessarily decide our position and our course, before we have even time to ask whether we have an option. Our place is on the side of free institutions. From the earliest settlement of these States, their inhabitants were accustomed, in a greater or less degree, to the enjoyment of the powers of self-government; and for the last half-century, they have sustained systems of government entirely representative, yielding to themselves the greatest possible prosperity, and not leaving them without distinction and respect among the nations of the earth. This system we are not likely to abandon; and while we shall no further recommend its adoption to other nations, in whole or in part, than it may recommend itself by its visible influence on our own growth and prosperity, we are, nevertheless, interested to resist the establishment of doctrines which deny the legality of its foundations. We stand as an equal among nations, claiming the full benefit of the established international law; and it is our duty to oppose, from the earliest to the latest moment, any innovations upon that code, which shall bring into doubt or question our own equal and independent rights.

I will now, Mr. Chairman, advert to those pretensions, put forth by the Allied Sovereigns of continental Europe, which seem to me calculated, if unresisted, to bring into disrepute the principles of our Government, and indeed to be wholly incompatible with any degree of national independence. I do not introduce these considerations for the sake of topics. I am not about to declaim against crowned heads, nor to quarrel with any country for preferring a form of government different from our own. The choice

that we exercise for ourselves, I am quite willing to leave also to others. But it appears to me that the pretensions of which I have spoken are wholly inconsistent with the independence of nations generally, without regard to the question, whether their governments be absolute, monarchical and limited, or purely popular and representative. I have a most deep and thorough conviction, that a new era has arisen in the world, that new and dangerous combinations are taking place, promulgating doctrines, and fraught with consequences, wholly subversive, in their tendency, of the public law of nations, and of the general liberties of mankind. Whether this be so, or not, is the question which I now propose to examine, upon such grounds of information, as the common and public means of knowledge disclose.

Everybody knows that, since the final restoration of the Bourbons to the throne of France, the continental powers have entered into sundry alliances, which have been made public, and have held several meetings or Congresses, at which the principles of their political conduct have been declared. These things must necessarily have an effect upon the international law of the states of the world. If that effect be good, and according to the principles of that law, they deserve to be applauded. If, on the contrary, their effect and tendency be most dangerous, their principles wholly inadmissible, their pretensions such as would abolish every degree of national independence, then they are to be resisted.

I begin, Mr. Chairman, by drawing your attention to the treaty, concluded at Paris in September, 1815, between Russia, Prussia, and Austria, commonly called the Holy Alliance. This singular alliance appears to have originated with the Emperor of Russia; for we are informed that a draught of it was exhibited by him, personally, to a pleni

potentiary of one of the great powers of Europe, before it was presented to the other sovereigns who ultimately signed it.* This instrument professes nothing, certainly, which is not extremely commendable and praiseworthy. It promises only that the contracting parties, both in relation to other states, and in regard to their own subjects, will observe the rules of justice and Christianity. In confirmation of these promises, it makes the most solemn and devout religious invocations. Now, although such an alliance is a novelty in European history, the world seems to have received this treaty, upon its first promulgation, with general charity. It was commonly understood as little or nothing more than an expression of thanks for the successful termination of the momentous contest in which those sovereigns had been engaged. It still seems somewhat unaccountable, however, that these good resolutions should require to be confirmed by treaty. Who doubted, that these august sovereigns would treat each other with justice, and rule their own subjects in mercy? And what necessity was there, for a solemn stipulation by treaty, to insure the performance of that, which is no more than the ordinary duty of every Government? It would hardly be admitted by these sovereigns, that, by this compact, they suppose themselves bound to introduce an entire change, or any change, in the course of their own conduct. Nothing substantially new, certainly, can be supposed to have been intended. What principle, or what practice, therefore, called for this solemn declaration of the intention of the parties to observe the rules of religion and justice?

It is not a little remarkable, that a writer of reputation

---

* Vide Lord Castlereagh's Speech in the House of Commons, February 3, 1816. Debates in Parliament, vol. xxxvi. page 355; where also the Treaty may be found at length

upon the Public Law, described, many years ago, not inaccurately, the character of this alliance: I allude to Puffendorff. "It seems useless," says he, "to frame any pacts or leagues barely for the defence and support of universal peace; for, by such a league, nothing is superadded to the obligation of natural law, and no agreement is made for the performance of any thing, which the parties were not previously bound to perform; nor is the original obligation rendered firmer or stronger by such an addition. Men of any tolerable culture and civilization might well be ashamed of entering into any such compact, the conditions of which imply only that the parties concerned shall not offend in any clear point of duty. Besides, we should be guilty of great irreverence toward God, should we suppose that his injunctions had not already laid a sufficient obligation upon us to act justly, unless we ourselves voluntarily consented to the same engagement: as if our obligation to obey his will depended upon our own pleasure.

"If one engage to serve another, he does not set it down expressly and particularly among the terms and conditions of the bargain, that he will not betray nor murder him, nor pillage nor burn his house. For the same reason, that would be a dishonorable engagement in which men should bind themselves to act properly and decently, and not break the peace."*

Such were the sentiments of that eminent writer. How nearly he had anticipated the case of the Holy Alliance, will appear from comparing his observations with the preamble to that alliance, which is as follows:

"In the name of the most Holy and Indivisible Trinity, their Majesties the Emperor of Austria, the King of Prussia, and the Emperor of Russia,"—"solemnly de-

* Book 2, chap. ii.

clare, that the present act has no other object than to publish, in the face of the whole world, their fixed resolution, both in the administration of their respective States, and in their political relations with every other Government, to take for their sole guide the precepts of that holy religion,—namely: the precepts of justice, Christian charity, and peace, which, far from being applicable only to private concerns, must have an immediate influence on the councils of princes, and guide all their steps, as being the only means of consolidating human institutions, and remedying their imperfections."

This measure, however, appears principally important, as it was the first of a series, and was followed afterward by others of a more marked and practical nature. These measures, taken together, profess to establish two principles, which the Allied Powers would enforce, as a part of the law of the civilized world; and the establishment of which is menaced by a million and a half of bayonets.

The first of these principles is, that all popular, or constitutional rights, are holden no otherwise than as grants from the crown. Society, upon this principle, has no rights of its own; it takes good government, when it gets it, as a boon and a concession, but can demand nothing. It is to live in that favor which emanates from royal authority, and if it have the misfortune to lose that favor, there is nothing to protect it against any degree of injustice and oppression. It can rightfully make no endeavor for a change, by itself; its whole privilege is to receive the favors that may be dispensed by the sovereign power, and all its duty is described in the single word *submission*. This is the plain result of the principal continental state papers; indeed, it is nearly the identical text of some of them.

The Laybach circular of May, 1821, alleges, "that

useful and necessary changes in legislation and administration ought only to emanate from the free will and intelligent conviction of those whom God has rendered responsible for power; all that deviates from this line necessarily leads to disorder, commotions, and evils, far more insufferable than those which they pretend to remedy."* Now, sir, this principle would carry Europe back again, at once, into the middle of the dark ages. It is the old doctrine of the divine right of kings, advanced now by new advocates, and sustained by a formidable array of power. That the people hold their fundamental privileges, as matter of concession or indulgence, from the sovereign power, is a sentiment not easy to be diffused in this age, any further than it is enforced by the direct operation of military means. It is true, certainly, that some six centuries ago, the early founders of English liberty called the instrument which secured their rights a *Charter;* it was, indeed, a concession; they had obtained it, sword in hand, from the king; and, in many other cases, whatever was obtained, favorable to human rights, from the tyranny and despotism of the feudal sovereigns, was called by the names of *privileges* and *liberties*, as being matter of special favor. And, though we retain this *language* at the present time, the principle itself belongs to ages that have long passed by us. The civilized world has done with the enormous faith, of many made for one. Society asserts its own rights, and alleges them to be original, sacred, and unalienable. It is not satisfied with having kind masters; it demands a participation in its own government: and, in states much advanced in civilization, it urges this demand with a constancy and an energy, that cannot well, nor long, be resisted. There

* Annual Register, for 1821.

are, happily, enough of regulated Governments in the world, and those among the most distinguished, to operate as constant examples, and to keep alive an unceasing panting in the bosoms of men for the enjoyment of similar free institutions.

When the English Revolution of 1688 took place, the English people did not content themselves with the example of Runnymede; they did not build their hopes upon royal charters; they did not, like the Laybach circular, suppose that all useful changes in constitutions and laws must proceed from those only whom God has rendered responsible for power. They were somewhat better instructed in the principles of civil liberty, or at least they were better lovers of those principles, than the sovereigns of Laybach. Instead of petitioning for charters, they *declared* their rights, and, while they offered to the family of Orange the crown with one hand, they held in the other an enumeration of those privileges which they did not profess to hold as favors, but which they *demanded* and *insisted upon*, as their undoubted rights.

I need not stop to observe, Mr. Chairman, how totally hostile are these doctrines of Laybach, to the fundamental principles of our Government. They are in direct contradiction: the principles of good and evil are hardly more opposite. If these principles of the sovereigns be true, we are but in a state of rebellion, or of anarchy, and are only tolerated among civilized states because it has not yet been convenient to conform us to the true standard.

But the second, and, if possible, the still more objectionable principle, avowed in these papers, is the right of forcible interference in the affairs of other states. A right to control nations in their desire to change their own Government, wherever it may be conjectured or pretended that such change might furnish an example to the subject

of other states, is plainly and distinctly asserted. The same Congress that made the declaration at Laybach had declared, before its removal from Troppau, "That the powers have an undoubted right to take a hostile attitude in regard to those states in which the overthrow of the Government may operate as an example."

There cannot, as I think, be conceived a more flagrant violation of public law, or national independence, than is contained in this short declaration.

No matter what be the character of the Government resisted; no matter with what weight the foot of the oppressor bears on the neck of the oppressed; if he struggle, or if he complain, he sets a dangerous example of resistance,—and from that moment he becomes an object of hostility to the most powerful potentates of the earth. I want words to express my abhorrence of this abominable principle. I trust every enlightened man throughout the world will oppose it, and that, especially, those who, like ourselves, are fortunately out of the reach of the bayonets that enforce it, will proclaim their detestation of it, in a tone both loud and decisive. The avowed object of such declarations is to preserve the peace of the world. But by what means is it proposed to preserve this peace? Simply, by bringing the power of all the Governments to bear against all subjects. Here is to be established a sort of double, or treble, or quadruple, or, for aught I know, a quintuple allegiance. An offence against one king is to be an offence against all kings, and the power of all is to be put forth for the punishment of the offender. A right to interfere in extreme cases, in the case of contiguous states, and where imminent danger is threatened to one by what is transpiring in another, is not without precedent in modern times, upon what has been called the law of vicinage; and when confined to extreme cases, and limited

to a certain extent, it may perhaps be defended upon principles of necessity and self-defence. But to maintain that sovereigns may go to war upon the subjects of another state to *repress an example*, is monstrous indeed. What is to be the limit to such a principle, or to the practice growing out of it? What, in any case, but sovereign pleasure is to decide whether the example be good or bad? And what, under the operation of such rule, may be thought of OUR *example?* Why are we not as fair objects for the operation of the new principle, as any of those who may attempt to reform the condition of their Government, on the other side of the Atlantic?

The ultimate effect of this alliance of sovereigns, for objects personal to themselves, or respecting only the permanence of their own power, must be the destruction of all just feeling, and all natural sympathy, between those who exercise the power of government and those who are subject to it. The old channels of mutual regard and confidence are to be dried up, or cut off. Obedience can now be expected no longer than it is enforced. Instead of relying on the affections of the governed, sovereigns are to rely on the affections and friendship of other sovereigns. There are, in short, no longer to be nations. Princes and people no longer are to unite for interests common to them both. There is to be an end of all patriotism, as a distinct national feeling. Society is to be divided horizontally; all sovereigns above, and all subjects below; the former coalescing for their own security, and for the more certain subjection of the undistinguished multitude beneath. This, sir, is no picture, drawn by imagination. I have hardly used language stronger than that in which the authors of this new system have commented on their own work. Mr. Chateaubriand, in his speech in the French Chamber of Deputies, in February last, declared, that he had a con

ference with the Emperor of Russia at Verona, in which that august sovereign uttered sentiments which appeared to him so precious, that he immediately hastened home, and wrote them down while yet fresh in his recollection. "*The Emperor declared,*" said he, "*that there can no longer be such a thing as an English, French, Russian, Prussian, or Austrian policy: there is henceforth but one policy, which, for the safety of all, should be adopted both by people and kings. It was for me first to show myself convinced of the principles upon which I founded the alliance; an occasion offered itself; the rising in Greece. Nothing certainly could occur more for my interests, for the interests of my people, nothing more acceptable to my country, than a religious war in Turkey: but I have thought I perceived in the troubles of the Morea, the sign of revolution, and I have held back. Providence has not put under my command* 800,000 *soldiers, to satisfy my ambition, but to protect religion, morality, and justice, and to secure the prevalence of those principles of order on which human society rests. It may well be permitted that kings may have public alliances to defend themselves against secret enemies.*"

These, sir, are the words which the French minister thought so important as that they deserved to be recorded; and I, too, sir, am of the same opinion. But, if it be true that there is hereafter to be neither a Russian policy, nor a Prussian policy, nor an Austrian policy, nor a French policy, nor even, which yet I will not believe, an English policy; there will be, I trust in God, an *American* policy. If the authority of all these Governments be hereafter to be mixed and blended, and to flow in one augmented current of prerogative, over the face of Europe, sweeping away all resistance in its course, it will yet remain for us to secure our own happiness, by the preservation of our

own principles; which I hope we shall have the manliness to express on all proper occasions, and the spirit to defend in every extremity. The end and scope of this amalgamated policy is neither more nor less than this: to interfere, *by force*, for any Government, against any people who may resist it. Be the state of the people what it may, they shall not rise; be the Government what it will, it shall not be opposed. The practical commentary has corresponded with the plain language of the text. Look at Spain, and at Greece. If men may not resist the Spanish inquisition, and the Turkish scimetar, what is there to which humanity must not submit? Stronger cases can never arise. Is it not proper for us, at all times—is it not our duty, at this time, to come forth, and deny, and condemn, these monstrous principles? Where, but here, and in one other place, are they likely to be resisted? They are advanced with equal coolness and boldness; and they are supported by immense power. The timid will shrink and give way—and many of the brave may be compelled to yield to force. Human liberty may yet, perhaps, be obliged to repose its principal hopes on the intelligence and the vigor of the Saxon race. As far as depends on us, at least, I trust those hopes will not be disappointed; and that, to the extent which may consist with our own settled, pacific policy, our opinions and sentiments may be brought to act, on the right side, and to the right end, on an occasion which is, in truth, nothing less than a momentous question between an intelligent age, full of knowledge, thirsting for improvement, and quickened by a thousand impulses, on one side, and the most arbitrary pretensions, sustained by unprecedented power, on the other.

This asserted right of forcible intervention, in the affairs other nations, is in open violation of the public law of

the world. Who has authorized these learned doctors of Troppau, to establish new articles in this code? Whence are their diplomas? Is the whole world expected to acquiesce in principles, which entirely subvert the independence of nations? On the basis of this independence has been reared the beautiful fabric of international law. On the principle of this independence, Europe has seen a family of nations, flourishing within its limits, the small among the large, protected not always by power, but by a principle above power, by a sense of propriety and justice. On this principle the great commonwealth of civilized states has been hitherto upheld. There have been occasional departures, or violations, and always disastrous, as in the case of Poland; but, in general, the harmony of the system has been wonderfully preserved. In the production and preservation of this sense of justice, this predominating principle, the Christian religion has acted a main part. Christianity and civilization have labored together; it seems, indeed, to be a law of our human condition, that they can live and flourish only together. From their blended influence has arisen that delightful spectacle of the prevalence of reason and principle, over power and interest, so well described by one who was an honor to the age:

> "And sovereign *Law*, the *world's* collected will,
> O'er thrones and globes elate,
> Sits Empress—crowning good, repressing ill.
> Smit by her sacred frown,
> The fiend, *Discretion*, like a vapor, sinks,
> And e'en the all-dazzling crown
> Hides his faint rays, and at her bidding shrinks."

But this vision is past. While the teachers of Laybach give the rule, there will be no law but the law of the strongest.

It may now be required of me to show what interest *we* have, in resisting this new system. What is it to *us*, it may be asked, upon what principles, or what pretences, the European Governments assert a right of interfering in the affairs of their neighbors? The thunder, it may be said, rolls at a distance. The wide Atlantic is between us and danger; and, however others may suffer, *we* shall remain safe.

I think it a sufficient answer to this, to say, that we are one of the nations; that we have an interest, therefore, in the preservation of that system of national law and national intercourse, which has heretofore subsisted, so beneficially for all. Our system of government, it should also be remembered, is, throughout, founded on principles utterly hostile to the new code; and, if we remain undisturbed by its operation, we shall owe our security, either to our situation or our spirit. The enterprising character of the age, our own active commercial spirit, the great increase which has taken place in the intercourse between civilized and commercial States, have necessarily connected us with the nations of the earth, and given us a high concern in the preservation of those salutary principles, upon which that intercourse is founded. We have as clear an interest in international law, as individuals have in the laws of society.

But, apart from the soundness of the policy, on the ground of direct interest, we have, sir, a duty, connected with this subject, which, I trust, we are willing to perform. What do we not owe to the cause of civil and religious liberty? to the principle of lawful resistance? to the principle that society has a right to partake in its own government? As the leading Republic of the world, living and breathing in these principles, and advanced, by their operation, with unequalled rapidity, in our career, shall

we give our consent to bring them into disrepute and disgrace? It is neither ostentation nor boasting, to say, that there lie before this country, in immediate prospect, a great extent and height of power. We are borne along toward this, without effort, and not always even with a full knowledge of the rapidity of our own motion. Circumstances which never combined before, have co-operated in our favor, and a mighty current is setting us forward, which we could not resist, even if we would, and which, while we would stop to make an observation, and take the sun, has set us, at the end of the operation, far in advance of the place where we commenced it. Does it not become us, then, is it not a duty imposed on us, to give our weight to the side of liberty and justice—to let mankind know that we are not tired of our own institutions—and to protest against the asserted power of altering, at pleasure, the law of the civilized world?

But whatever we do, in this respect, it becomes us to do upon clear and consistent principles. There is an important topic in the message, to which I have yet hardly alluded. I mean the rumored combination of the European continental sovereigns, against the new-established free states of South America. Whatever position this Government may take on that subject, I trust it will be one which can be defended, on known and acknowledged grounds of right. The near approach, or the remote distance, of danger, may affect policy, but cannot change principle. The same reason that would authorize us to protest against unwarrantable combinations to interfere between Spain and her former colonies, would authorize us equally to protest, if the same combination were directed against the smallest state in Europe, although our duty to ourselves, our policy, and wisdom, might indicate very different courses, as fit to be pursued by us in the two cases. We

shall not, I trust, act upon the notion of dividing the world with the Holy Alliance, and complain of nothing done by them in their hemisphere, if they will not interfere with ours. At least this would not be such a course of policy as I could recommend or support. We have not offended, and, I hope, we do not intend to offend, in regard to South America, against any principle of national independence or of public law. We have done nothing, we shall do nothing, that we need to hush up or to compromise, by forbearing to express our sympathy for the cause of the Greeks, or our opinion of the course which other Governments have adopted in regard to them.

It may, in the next place, be asked, perhaps, Supposing all this to be true, what can *we* do? Are we to go to war? Are we to interfere in the Greek cause, or any other European cause? Are we to endanger our pacific relations? No, certainly not. What, then, the question recurs, remains for *us?* If we will not endanger our own peace, if we will neither furnish armies, nor navies, to the cause which we think the just one, what is there within *our* power?

Sir, this reasoning mistakes the age. The time has been, indeed, when fleets, and armies, and subsidies, were the principal reliances even in the best cause. But, happily for mankind, there has arrived a great change in this respect. Moral causes come into consideration, in proportion as the progress of knowledge is advanced; and the *public opinion* of the civilized world is rapidly gaining an ascendency over mere brutal force. It is already able to oppose the most formidable obstruction to the progress of injustice and oppression; and, as it grows more intelligent and more intense, it will be more and more formidable. It may be silenced by military power, but it cannot be conquered. It is elastic, irrepressible, and invulnerable to the

weapons of ordinary warfare. It is that impassable, unextinguishable enemy of mere violence and arbitrary rule, which, like Milton's angels,

> "Vital in every part,
> Cannot, but by annihilating, die."

Until this be propitiated or satisfied, it is vain for power to talk either of triumphs or of repose, no matter what fields are desolated, what fortresses surrendered, what armies subdued, or what provinces overrun. In the history of the year that has passed by us, and in the instance of unhappy Spain, we have seen the vanity of all triumphs in a cause which violates the general sense of justice of the civilized world. It is nothing that the troops of France have passed from the Pyrenees to Cadiz; it is nothing that an unhappy and prostrate nation has fallen before them; it is nothing that arrests, and confiscation, and execution, sweep away the little remnant of national resistance. There is an enemy that still exists to check the glory of these triumphs. It follows the conqueror back to the very scene of his ovations; it calls upon him to take notice that Europe, though silent, is yet indignant; it shows him that the sceptre of his victory is a barren sceptre; that it shall confer neither joy nor honor, but shall moulder to dry ashes in his grasp. In the midst of his exultation, it pierces his ear with the cry of injured justice, it denounces against him the indignation of an enlightened and civilized age; it turns to bitterness the cup of his rejoicing, and wounds him with the sting which belongs to the consciousness of having outraged the opinion of mankind.

In my own opinion, sir, the Spanish nation is now nearer, not only in point of time, but in point of circumstance, to the acquisition of a regulated Government, than at the moment of the French invasion. Nations must, no doubt, undergo these trials in their progress to the establishment

of free institutions. The very trials benefit them, and render them more capable both of obtaining and of enjoying the object which they seek.

I shall not detain the committee, sir, by laying before it any statistical, geographical, or commercial account of Greece. I have no knowledge on these subjects, which is not common to all. It is universally admitted, that, within the last thirty or forty years, the condition of Greece has been greatly improved. Her marine is at present respectable, containing the best sailors in the Mediterranean, better even, in that sea, than our own, as more accustomed to the long quarantines and other regulations which prevail in its ports. The number of her seamen has been estimated as high as 50,000, but I suppose that estimate must be much too large. They have probably 150,000 tons of shipping. It is not easy to state an accurate account of Grecian population. The Turkish Government does not trouble itself with any of the calculations of political economy, and there has never been such a thing as an accurate census, probably, in any part of the Turkish empire. In the absence of all official information, private opinions widely differ. By the tables which have been communicated, it would seem that there are 2,400,000 Greeks in Greece proper and the Islands; an amount, as I am inclined to think, somewhat overrated. There are, probably, in the whole of European Turkey, 5,000,000 Greeks, and 2,000,000 more in the Asiatic dominions of that power. The moral and intellectual progress of this numerous population, under the horrible oppression which crushes it, has been such as may well excite regard. Slaves, under barbarous masters, the Greeks have still aspired after the blessings of knowledge and civilization. Before the breaking out of the present revolution, they had established schools, and colleges, and libraries, and the press.

Wherever, as in Scio, owing to particular circumstances, the weight of oppression was mitigated, the natural vivacity of the Greeks, and their aptitude for the arts, were discovered. Though certainly not on an equality with the civilized and Christian states of Europe, (and how is it possible under such oppression as they endured that they should be?) they yet furnished a striking contrast with their Tartar masters. It has been well said, that it is not easy to form a just conception of the nature of the despotism exercised over them. Conquest and subjugation, as known among European states, are inadequate modes of expression by which to denote the dominion of the Turks. A conquest, in the civilized world, is generally no more than an acquisition of a new dominion to the conquering country. It does not imply a never-ending bondage imposed upon the conquered, a perpetual mark, and opprobrious distinction between them and their masters; a bitter and unbending persecution of their religion; an habitual violation of their rights of person and property, and the unrestrained indulgence toward them, of every passion which belongs to the character of a barbarous soldiery. Yet such is the state of Greece. The Ottoman power over them, obtained originally by the sword, is constantly preserved by the same means. Wherever it exists, it is a mere military power. The religious and civil code of the State, being both fixed in the Alcoran, and equally the object of an ignorant and furious faith, have been found equally incapable of change. "The Turk," it has been said, "has been *encamped* in Europe for four centuries." He has hardly any more participation in European manners, knowledge, and arts, than when he crossed the Bosphorus. But this is not the worst of it. The power of the empire is fallen into anarchy, and as the principle which belongs to the head belongs also to the parts, there are as many

despots as there are pachas, beys, and visiers. Wars are almost perpetual, between the Sultan and some rebellious governor of a province; and in the conflict of these despotisms, the people are necessarily ground between the upper and the nether millstone. In short, the Christian subjects of the Sublime Porte, feel daily all the miseries which flow from despotism, from anarchy, from slavery, and from religious persecution. If any thing yet remains to heighten such a picture, let it be added, that every office in the Government is not only actually, but professedly, venal;—the pachalics, the visierates, the cadiships, and whatsoever other denomination may denote the depositary of power. In the whole world, sir, there is no such oppression *felt*, as by the Christian Greeks. In various parts of India, to-be-sure, the government is bad enough; but then it is the government of barbarians over barbarians, and the *feeling* of oppression is, of course, not so keen. There the oppressed are perhaps not better than their oppressors; but in the case of Greece, there are millions of Christian men, not without knowledge, not without refinement, not without a strong thirst for all the pleasures of civilized life, trampled into the very earth, century after century, by a pillaging, savage, relentless soldiery. Sir, the case is unique. There exists, and has existed, nothing like it. The world has no such misery to show; there is no case in which Christian communities can be called upon with such emphasis of appeal.

But I have said enough, Mr. Chairman, indeed, I need have said nothing, to satisfy the House, that it must be some new combination of circumstances, or new views of policy in the cabinets of Europe, which have caused this interesting struggle not merely to be regarded with indifference, but to be marked with opprobrium. The very statement of the case, as a contest between the Turks and

Greeks, sufficiently indicates what must be the feeling of every individual, and every Government, that is not biassed by a particular interest, or a particular feeling, to disregard the dictates of justice and humanity.

And now, sir, what has been the conduct pursued by the Allied Powers, in regard to this contest? When the revolution broke out, the sovereigns were in Congress at Laybach; and the papers of that assembly sufficiently manifest their sentiments. They proclaimed their abhorrence of those "criminal combinations which had been formed in the eastern parts of Europe;" and, although it is possible that this denunciation was aimed, more particularly, at the disturbances in the provinces of Wallachia and Moldavia, yet no exception is made, from its general terms, in favor of those events in Greece, which were properly the commencement of her revolution, and which could not but be well known at Laybach, before the date of these declarations. Now, it must be remembered, that Russia was a leading party in this denunciation of the efforts of the Greeks to achieve their liberation; and it cannot but be expected by Russia that the world shall also remember what part she herself has heretofore acted, in the same concern. It is notorious, that within the last half-century she has again and again excited the Greeks to rebellion against the Porte, and that she has constantly kept alive in them the hope that she would, one day, by her own great power, break the yoke of their oppressor. Indeed, the earnest attention with which Russia has regarded Greece, goes much farther back than to the time I have mentioned. Ivan the Third, in 1482, having espoused a Grecian princess, heiress of the last Greek emperor, discarded *St. George* from the Russian arms, and adopted in its stead the *Greek two-headed black eagle*, which has continued in the Russian arms to the present day. In virtue

of the same marriage, the Russian princes claimed the Greek throne as their inheritance.

Under Peter the Great, the policy of Russia developed itself more fully. In 1696, he rendered himself master of Azoph, and in 1698, obtained the right to pass the Dardanelles, and to maintain, by that route, commercial intercourse with the Mediterranean. He had emissaries throughout Greece, and particularly applied himself to gain the clergy. He adopted the *Labarum* of Constantine, "*In hoc signo vinces;*" and medals were struck, with the inscription, "*Petrus I. Russo-Græcorum Imperator.*" In whatever new direction the principles of the Holy Alliance may now lead the politics of Russia, or whatever course she may suppose Christianity now prescribes to her, in regard to the Greek cause, the time has been when she professed to be contending for that cause, as identified with Christianity. The white banner under which the soldiers of Peter the First usually fought, bore, as its inscription, "*In the name of the Prince, and for our country.*" Relying on the aid of the Greeks, in his war with the Porte, he changed the white flag to red, and displayed on it the words, "*In the name of God, and for Christianity.*" The unfortunate issue of this war is well known. Though Anne and Elizabeth, the successors of Peter, did not possess his active character, they kept up a constant communication with Greece, and held out hopes of restoring the Greek Empire. Catherine the Second, as is well known, excited a general revolt in 1769. A Russian fleet appeared in the Mediterranean, and a Russian army was landed in the Morea. The Greeks in the end were disgusted by being required to take an oath of allegiance to Russia, and the empress was disgusted because they refused to take it. In 1774, peace was signed between Russia and the Porte, and the Greeks of the Morea were

left to their fate. By this treaty the Porte acknowledged the independence of the Khan of the Crimea; a preliminary step to the acquisition of that country by Russia. It is not unworthy of remark, as a circumstance which distinguished this from most other diplomatic transactions, that it conceded the right to the cabinet of St. Petersburg, of intervention in the interior affairs of Turkey, in regard to whatever concerned the religion of the Greeks. The cruelties and massacres that happened to the Greeks after the peace between Russia and the Porte, notwithstanding the general pardon which had been stipulated for them, need not now to be recited. Instead of retracing the deplorable picture, it is enough to say, that in this respect the past is justly reflected in the present. The empress soon after invaded and conquered the Crimea, and on one of the gates of Kerson, its capital, caused to be inscribed, "*The road to Byzantium.*" The present emperor, on his accession to the throne, manifested an intention to adopt the policy of Catherine the Second as his own, and the world has not been right, in all its suspicions, if a project for the partition of Turkey did not form a part of the negotiations of Napoleon and Alexander at Tilsit.

All this course of policy seems suddenly to be changed. Turkey is no longer regarded, it would appear, as an object of partition or acquisition, and Greek revolts have, all at once, become, according to the declaration of Laybach, "criminal combinations." The recent Congress at Verona exceeded its predecessor at Laybach, in its denunciations of the Greek struggle. In the circular of the 14th of December, 1822, it declared the Grecian resistance to the Turkish power to be rash and culpable, and lamented that "the firebrand of rebellion had been thrown into the Ottoman Empire." This rebuke and crimination,

we know to have proceeded on those settled principles of conduct, which the continental powers had prescribed for themselves. The sovereigns saw, as well as others, the real condition of the Greeks; they knew, as well as others, that it was most natural and most justifiable, that they should endeavor, at whatever hazard, to change that condition. They knew, that they, themselves, or at least one of them, had more than once urged the Greeks to similar efforts; that they, themselves, had thrown the same firebrand into the midst of the Ottoman Empire. And yet, so much does it seem to be their fixed object to discountenance whatsoever threatens to disturb the actual Government of any country, that, Christians as they were, and allied as they professed to be, for purposes most important to human happiness and religion, they have not hesitated to declare to the world, that they have wholly forborne to exercise any compassion to the Greeks, simply because they thought that they saw, in the struggles of the Morea, the sign of revolution. This, then, is coming to a plain, practical result. The Grecian revolution has been discouraged, discountenanced, and denounced, for no reason but because it is a revolution. Independent of all inquiry into the reasonableness of its causes, or the enormity of the oppression which produced it; regardless of the peculiar claims which Greece possesses upon the civilized world; and regardless of what has been their own conduct toward her for a century; regardless of the interest of the Christian religion, the sovereigns at Verona seized upon the case of the Greek revolution, as one above all others calculated to illustrate the fixed principles of their policy. The abominable rule of the Porte on one side, the valor and the sufferings of the Christian Greeks on the other, furnished a case likely to convince even an incredulous world of the sincerity of the professions of the Allied

Powers. They embraced the occasion, with apparent ardor; and the world, I trust, is satisfied.

We see here, Mr. Chairman, the direct and actual application of that system which I have attempted to describe. We see it in the very case of Greece. We learn, authentically and indisputably, that the Allied Powers, holding that all changes in legislation and administration ought to proceed from kings alone, were wholly inexorable to the sufferings of the Greeks, and wholly hostile to their success. Now it is upon this practical result of the principle of the continental powers, that I wish this House to intimate its opinion. The great question is a question of principle. Greece is only the signal instance of the application of that principle. If the principle be right, if we esteem it conformable to the law of nations, if we have nothing to say against it, or if we deem ourselves unfit to express an opinion on the subject, then, of course, no resolution ought to pass. If, on the other hand, we see in the declarations of the Allied Powers, principles not only utterly hostile to our own free institutions, but hostile also to the independence of all nations, and altogether opposed to the improvement of the condition of human nature; if, in the instance before us, we see a most striking exposition and application of those principles, and if we deem our own opinions to be entitled to any weight in the estimation of mankind; then, I think, it is our duty to adopt some such measure as the proposed resolution.

It is worthy of observation, sir, that as early as July, 1821, Baron Strogonoff, the Russian minister at Constantinople, represented to the Porte, that, if the undistinguished massacres of the Greeks, both of such as were in open resistance, and of those who remained patient in their submission, were continued, and should become a settled habit, they would give just cause of war against

the Porte to all Christian states. This was in 1821. It was followed, early in the next year, by that indescribable enormity, that appalling monument of barbarian cruelty, the destruction of Scio; a scene I shall not attempt to describe; a scene from which human nature shrinks shuddering away; a scene having hardly a parallel in the history of fallen man. This scene, too, was quickly followed by the massacres in Cyprus; and all these things were perfectly known to the Christian powers assembled at Verona. Yet these powers, instead of acting upon the case supposed by Baron Strogonoff, and which, one would think, had been then fully made out; instead of being moved by any compassion for the sufferings of the Greeks; these powers, these Christian powers, rebuke their gallantry, and insult their sufferings, by accusing them of "throwing a firebrand into the Ottoman Empire."

Such, sir, appear to me to be the principles on which the continental powers of Europe have agreed hereafter to act; and this, an eminent instance of the application of those principles.

I shall not detain the Committee, Mr. Chairman, by any attempt to recite the events of the Greek struggle, up to the present time. Its origin may be found, doubtless, in that improved state of knowledge, which, for some years, has been gradually taking place in that country. The emancipation of the Greeks has been a subject frequently discussed in modern times. They themselves are represented as having a vivid remembrance of the distinction of their ancestors, not unmixed with an indignant feeling, that civilized and Christian Europe should not, ere now, have aided them in breaking their intolerable fetters.

In 1816, a society was founded in Vienna, for the encouragement of Grecian literature. It was connected with

a similar institution at Athens, and another in Thessaly, called the "Gymnasium of Mount Pelion." The treasury and general office of the institution was established at Munich. No political object was avowed by these institutions, probably none contemplated. Still, however, they have, no doubt, had their effect in hastening that condition of things, in which the Greeks felt competent to the establishment of their independence. Many young men have been, for years, annually sent to the universities in the western states of Europe for their education; and, after the general pacification of Europe, many military men, discharged from other employment, were ready to enter even into so unpromising a service as that of the revolutionary Greeks.

In 1820, war commenced between the Porte and Ali, the well-known pacha of Albania. Differences existed also with Persia, and with Russia. In this state of things, at the beginning of 1821, an insurrection appears to have broken out in Moldavia, under the direction of Alexander Ypsilanti, a well-educated soldier, who had been major-general in the Russian service. From his character, and the number of those who seemed disposed to join him, he was supposed to be countenanced by the court of St. Petersburg. This, however, was a great mistake, which the Emperor, then at Laybach, took an early opportunity to rectify. The Porte, it would seem, however, alarmed at these occurrences in the northern provinces, caused search to be made of all vessels entering the Black Sea, lest arms or other military means should be sent in that manner to the insurgents. This proved inconvenient to the commerce of Russia, and caused some unsatisfactory correspondence between the two powers. It may be worthy of remark, as an exhibition of national character, that, agitated by these appearances of intestine commotion, the Sultan issued a

proclamation, calling on all true Mussulmans to renounce the pleasures of social life, to prepare arms and horses, and to return to the manner of their ancestors, the life of the plains. The Turk seems to have thought that he had, at last, caught something of the dangerous contagion of European civilization, and that it was necessary to reform his habits, by recurring to the original manners of military roving barbarians.

It was about this time, that is to say, at the commencement of 1821, that the Revolution burst out in various parts of Greece and the Isles. Circumstances, certainly, were not unfavorable, as one portion of the Turkish army was employed in the war against Ali Pacha in Albania, and another part in the provinces north of the Danube. The Greeks soon possessed themselves of the open country of the Morea, and drove their enemy into the fortresses. Of these, that of Tripolitza, with the city, fell into the hands of the Greeks, in the course of the summer. Having after these first movements obtained time to breathe, it became, of course, an early object to establish a government. For this purpose delegates of the people assembled, under that name which describes the assembly in which we ourselves sit, that name which "freed the Atlantic," a *Congress*. A writer, who undertakes to render to the civilized world that service which was once performed by Edmund Burke, I mean the compiler of the English Annual Register, asks, *by what authority* this assembly could call itself a *Congress*. Simply, sir, by the same authority, by which the people of the United States have given the same name to their own legislature. We, at least, should be naturally inclined to think, not only as far as names, but things also, are concerned, that the Greeks could hardly have begun their revolution under better auspices; since they have endeavored to render applicable to themselves the general

principles of our form of government, as well as its name. This Constitution went into operation at the commencement of the next year. In the mean time, the war with Ali Pacha was ended, he having surrendered, and being afterward assassinated, by an instance of treachery and perfidy, which, if it had happened elsewhere than under the government of the Turks, would have deserved notice.

The negotiation with Russia, too, took a turn unfavorable to the Greeks. The great point upon which Russia insisted, besides the abandonment of the measure of searching vessels bound to the Black Sea, was, that the Porte should withdraw its armies from the neighborhood of the Russian frontiers; and the immediate consequence of this, when effected, was to add so much more to the disposable force ready to be employed against the Greeks. These events seemed to have left the whole force of the empire, at the commencement of 1822, in a condition to be employed against the Greek rebellion; and, accordingly, very many anticipated the immediate destruction of their cause. The event, however, was ordered otherwise. Where the greatest effort was made, it was met and defeated. Entering the Morea with an army which seemed capable of bearing down all resistance, the Turks were nevertheless defeated and driven back, and pursued beyond the isthmus, within which, as far as it appears, from that time to the present, they have not been able to set their foot.

It was in April, of this year, that the destruction of Scio took place. That island, a sort of appanage of the Sultana mother, enjoyed many privileges peculiar to itself. In a population of 130,000 or 140,000, it had no more than 2000 or 3000 Turks; indeed, by some accounts, not near as many. The absence of these ruffian masters had, in some degree, allowed opportunity for the promotion of knowledge, the accumulation of wealth, and the general

cultivation of society. Here was the seat of the modern Greek literature, here were libraries, printing-presses, and other establishments, which indicate some advancement in refinement and knowledge. Certain of the inhabitants of Samos, it would seem, envious of this comparative happiness of Scio, landed upon the island, in an irregular multitude, for the purpose of compelling its inhabitants to make common cause with their countrymen against their oppressors. These, being joined by the peasantry, marched to the city, and drove the Turks into the castle. The Turkish fleet, lately reinforced from Egypt, happened to be in the neighboring seas, and learning these events, landed a force on the island of 15,000 men. There was nothing to resist such an army. These troops immediately entered the city, and began an indiscriminate massacre. The city was fired; and, in four days, the fire and the sword of the Turk rendered the beautiful Scio a clotted mass of blood and ashes. The details are too shocking to be recited. Forty thousand women and children, unhappily saved from the general destruction, were afterward sold in the market of Smyrna, and sent off into distant and hopeless servitude. Even on the wharves of our own cities, it has been said, have been sold the utensils of those hearths which now exist no longer. Of the whole population which I have mentioned, not above 900 persons were left living upon the island. I will only repeat, sir, that these tragical scenes were as fully known at the Congress of Verona, as they are now known to us; and it is not too much to call on the powers that constituted that Congress, in the name of conscience, and in the name of humanity, to tell us, if there be nothing even in these unparalleled excesses of Turkish barbarity, to excite a sentiment of compassion; nothing which they regard as so objectionable as even the very idea of popular resistance to power.

The events of the year which has just passed by, as far as they have become known to us, have been even more favorable to the Greeks, than those of the year preceding. I omit all details, as being as well known to others as to myself. Suffice it to say, that with no other enemy to contend with, and no diversion of his force to other objects, the Porte has not been able to carry the war into the Morea; and that, by the last accounts, its armies were acting defensively in Thessaly. I pass over also the naval engagements of the Greeks, although that is a mode of warfare in which they are calculated to excel, and in which they have already performed actions of such distinguished skill and bravery as would draw applause upon the best mariners in the world. The present state of the war would seem to be, that the Greeks possess the whole of the Morea, with the exception of the three fortresses of Patras, Coron, and Modon; all Candia, but one fortress; and most of the other islands. They possess the citadel of Athens, Missolonghi, and several other places in Livadia. They have been able to act on the offensive and to carry the war beyond the isthmus. There is no reason to believe their marine is weakened; probably, on the other hand, it is strengthened. But, what is most of all important, they have obtained time and experience. They have awakened a sympathy throughout Europe and throughout America; and they have formed a government which seems suited to the emergency of their condition.

Sir, they have done much. It would be great injustice to compare their achievements with our own. We began our Revolution already possessed of government, and, comparatively, of civil liberty. Our ancestors had, for centuries, been accustomed in a great measure to govern themselves. They were well acquainted with popular elections and legislative assemblies, and the general prin-

ciples and practice of free governments. They had little else to do than to throw off the paramount authority of the parent state. Enough was still left, both of law and of organization, to conduct society in its accustomed course, and to unite men together for a common object. The Greeks, of course, could act with little concert at the beginning; they were unaccustomed to the exercise of power, without experience, with limited knowledge, without aid, and surrounded by nations, which, whatever claims the Greeks might seem to have had upon them, have afforded them nothing but discouragement and reproach. They have held out, however, for three campaigns; and that, at least, is something. Constantinople and the northern provinces have sent forth thousands of troops; they have been defeated. Tripoli, and Algiers, and Egypt, have contributed their marine contingents; they have not kept the ocean. Hordes of Tartars have crossed the Bosphorus; they have died where the Persians died. The powerful monarchies in the neighborhood have denounced their cause, and admonished them to abandon it, and submit to their fate. They have answered them, that, although two hundred thousand of their countrymen have offered up their lives, there yet remain lives to offer; and that it is the determination of *all*, "yes, of ALL," to persevere until they shall have established their liberty, or until the power of their oppressors shall have relieved them from the burden of existence.

It may now be asked, perhaps, whether the expression of our own sympathy, and that of the country, may do them good. I hope it may. It may give them courage and spirit, it may assure them of public regard, teach them that they are not wholly forgotten by the civilized world, and inspire them with constancy in the pursuit of their great end. At any rate, sir, it appears to me, that the

measure which I have proposed is due to our own character, and called for by our own duty. When we shall have discharged that duty, we may leave the rest to the disposition of Providence.

I do not see how it can be doubted, that this measure is entirely *pacific*. I profess my inability to perceive that it has any possible tendency to involve our neutral relations. If the resolution pass, it is not, necessarily, to be immediately acted on. It will not be acted on at all, unless, in the opinion of the President, a proper and safe occasion for acting upon it shall arise. If we adopt the resolution to-day, our relations with every foreign state will be to-morrow precisely what they now are. The resolution will be sufficient to express our sentiments on the subjects to which I have adverted. Useful to that purpose, it can be mischievous to no purpose. If the topic were properly introduced into the message, it cannot be improperly introduced into discussion in this House. If it were proper, which no one doubts, for the President to express his opinions upon it, it cannot, I think, be improper for us to express ours. The only certain effect of this resolution is to express, in a form usual in bodies constituted like this, our approbation of the general sentiment of the message. Do we wish to withhold that approbation? *The resolution confers on the President no new power, nor does it enjoin on him the exercise of any new duty; nor does it hasten him in the discharge of any existing duty.*

I cannot imagine that this resolution can add any thing to those excitements which it has been supposed, I think very causelessly, might possibly provoke the Turkish Government to acts of hostility. There is already the message, expressing the hope of success to the Greeks, and disaster to the Turks, in a much stronger manner than is to be implied from the terms of this resolution. There is

the correspondence between the Secretary of State and the Greek Agent in London, already made public, in which similar wishes are expressed, and a continuance of the correspondence apparently invited. I might add to this, the unexampled burst of feeling which this cause has called forth from all classes of society, and the notorious fact of pecuniary contributions made throughout the country for its aid and advancement. After all this, whoever can see cause of danger to our pacific relations from the adoption of this resolution, has a keener vision than I can pretend to. Sir, there is no augmented danger; there is *no danger*. The question comes at last to this, whether, on a subject of this sort, this House holds an opinion which is worthy to be expressed?

Even suppose, sir, an Agent or Commissioner were to be immediately sent,—a measure which I myself believe to be the proper one,—there is no breach of neutrality, nor any just cause of offence. Such an agent, of course, would not be accredited; he would not be a public minister. The object would be inquiry and information; inquiry, which we have a right to make; information, which we are interested to possess. If a dismemberment of the Turkish Empire be taking place, or has already taken place; if a new state be rising, or be already risen, in the Mediterranean, who can doubt, that, without any breach of neutrality, we may inform ourselves of these events, for the government of our own concerns?

The Greeks have declared the Turkish coasts in a state of blockade; may we not inform ourselves whether this blockade be *nominal or real?* And, of course, whether it shall be regarded or disregarded? The greater our trade may happen to be with Smyrna, a consideration which seems to have alarmed some gentlemen, the greater is the reason, in my opinion, why we should seek to be

accurately informed of those events which may affect its safety.

It seems to me impossible, therefore, for any reasonable man to imagine, that this resolution can expose us to the resentment of the Sublime Porte.

As little reason is there for fearing its consequences upon the conduct of the Allied Powers. They may, very naturally, dislike our sentiments upon the subject of the Greek Revolution; but what those sentiments are, they will much more explicitly learn in the President's message than in this resolution. They might, indeed, prefer that we should express no dissent upon the doctrines which they have avowed, and the application which they have made of those doctrines to the case of Greece. But I trust we are not disposed to leave them in any doubt as to our sentiments upon these important subjects. They have expressed their opinions, and do not call that expression of opinion *an interference;* in which respect they are right, as the expression of opinion, in such cases, is not such an *interference* as would justify the Greeks in considering the powers as at war with them. For the same reason, any expression which we may make, of different principles and different sympathies, is no *interference.* No one would call the President's message an *interference;* and yet it is much stronger, in that respect, than this resolution. If either of them could be construed to be an interference, no doubt it would be improper, at least it would be so, according to my view of the subject; for the very thing which I have attempted to resist in the course of these observations, is the right of foreign interference. But neither the message nor the resolution has that character. There is not a power in Europe that can suppose, that, in expressing our opinions on this occasion, we are governed by any desire of aggrandizing ourselves,

or of injuring others. We do no more than to maintain those established principles, in which we have an interest in common with other nations, and to resist the introduction of new principles and new rules, calculated to destroy the relative independence of states, and particularly hostile to the whole fabric of our own Government.

I close, then, sir, with repeating, that the object of this resolution is, to avail ourselves of the interesting occasion of the Greek revolution, to make our protest against the doctrines of the Allied Powers; both as they are laid down in principle, and as they are applied in practice.

I think it right too, sir, not to be unseasonable in the expression of our regard, and, as far as that goes, in a ministration of our consolation, to a long-oppressed and now struggling people. I am not of those who would, in the hour of utmost peril, withhold such encouragement as might be properly and lawfully given, and, when the crisis should be past, overwhelm the rescued sufferer with kindness and caresses. The Greeks address the civilized world with a pathos not easy to be resisted. They invoke our favor by more moving considerations than can well belong to the condition of any other people. They stretch out their arms to the Christian communities of the earth, beseeching them, by a generous recollection of their ancestors, by the consideration of their own desolated and ruined cities and villages, by their wives and children, sold into an accursed slavery, by their own blood, which they seem willing to pour out like water, by the common faith, and in the Name, which unites all Christians, that they would extend to them at least some token of compassionate regard.

IV.

SPEECH ON THE TRIAL OF JOHN F. KNAPP, FOR THE MURDER OF JOSEPH WHITE, OF SALEM, MASSACHUSETTS.

I AM little accustomed, gentlemen, to the part which I am now attempting to perform. Hardly more than once or twice has it happened to me to be concerned, on the side of the Government, in any criminal prosecution whatever; and never, until the present occasion, in any case affecting life.

But I very much regret that it should have been thought necessary to suggest to you, that I am brought here to "hurry you against the law, and beyond the evidence." I hope I have too much regard for justice, and too much respect for my own character, to attempt either; and were I to make such attempt, I am sure, that in this court, nothing can be carried against the law, and that gentlemen, intelligent and just as you are, are not, by any power, to be hurried beyond the evidence. Though I could well have wished to shun this occasion, I have not felt at liberty to withhold my professional assistance, when it is supposed that I might be in some degree useful, in investigating and discovering the truth, respecting this most extraordinary murder. It has seemed to be a duty, incumbent on me, as on every other citizen, to do my best, and my utmost, to bring to light the perpetrators of this

crime. Against the prisoner at the bar, as an individual, I cannot have the slightest prejudice. I would not do him the smallest injury or injustice. But I do not affect to be indifferent to the discovery, and the punishment of this deep guilt. I cheerfully share in the opprobrium, how much soever it may be, which is cast on those who feel and manifest an anxious concern that all who had a part in planning, or a hand in executing, this deed of midnight assassination, may be brought to answer for their enormous crime, at the bar of public justice. Gentlemen, it is a most extraordinary case. In some respects, it has hardly a precedent anywhere; certainly none in our New England history. This bloody drama exhibited no suddenly-excited, ungovernable rage. The actors in it were not surprised by any lion-like temptation springing upon their virtue, and overcoming it, before resistance could begin. Nor did they do the deed to glut savage vengeance, or satiate long settled and deadly hate. It was a cool, calculating, money-making murder. It was all "hire and salary, not revenge." It was the weighing of money against life; the counting out of so many pieces of silver, against so many ounces of blood.

An aged man, without an enemy in the world, in his own house, and in his own bed, is made the victim of a butcherly murder, for mere pay. Truly, here is a new lesson for painters and poets. Whoever shall hereafter draw the portrait of murder, if he will show it as it has been exhibited in an example, where such example was last to have been looked for, in the very bosom of our New England society, let him not give it the grim visage of Moloch, the brow knitted by revenge, the face black with settled hate, and the bloodshot eye emitting livid fires of malice. Let him draw, rather, a decorous, smooth-faced, bloodless demon; a picture in *repose*, rather than in

action; not so much an example of human nature, in its depravity, and in its paroxysms of *crime*, as an infernal nature, a fiend, in the ordinary display and development of his character.

The deed was executed with a degree of self-possession and steadiness, equal to the wickedness with which it was planned. The circumstances, now clearly in evidence, spread out the whole scene before us. Deep sleep had fallen on the destined victim, and on all beneath his roof. A healthful old man, to whom sleep was sweet, the first sound slumbers of the night held him in their soft but strong embrace. The assassin enters, through the window already prepared, into an unoccupied apartment. With noiseless foot he paces the lonely hall, half lighted by the moon; he winds up the ascent of the stairs, and reaches the door of the chamber. Of this, he moves the lock, by soft and continued pressure, till it turns on its hinges without noise; and he enters, and beholds his victim before him. The room was uncommonly open to the admission of light. The face of the innocent sleeper was turned from the murderer, and the beams of the moon, resting on the gray locks of his aged temple, showed him where to strike. The fatal blow is given! and the victim passes, without a struggle or a motion, from the repose of sleep to the repose of death! It is the assassin's purpose to make sure work; and he yet plies the dagger, though it was obvious that life had been destroyed by the blow of the bludgeon. He even raises the aged arm, that he may not fail in his aim at the heart, and replaces it again over the wounds of the poniard! To finish the picture, he explores the wrist for the pulse! He feels for it, and ascertains that it beats no longer! It is accomplished! The deed is done! He retreats, retraces his steps to the window, passes out through it as he came in, and escapes.

He has done the murder—no eye has seen him, no ear has heard him! The *secret* is his own, and it is safe!

Ah, gentleman, that was a dreadful mistake! Such a secret can be safe nowhere. The whole creation of God has neither nook nor corner, where the guilty can bestow it, and say it is safe. Not to speak of that eye which glances through all disguises, and beholds every thing, as in the splendor of noon,—such secrets of guilt are never safe from detection, even by men. True it is, generally speaking, that "murder will out." True it is, that Providence hath so ordained, and doth so govern things, that those who break the great law of heaven, by shedding man's blood, seldom succeed in avoiding discovery. Especially, in a case exciting so much attention as this, discovery must come, and will come, sooner or later. A thousand eyes turn at once to explore every man, every thing, every circumstance, connected with the time and place; a thousand ears catch every whisper; a thousand excited minds intensely dwell on the scene, shedding all their light, and ready to kindle the slightest circumstance into a blaze of discovery. Meantime, the guilty soul cannot keep its own secret. It is false to itself; or rather it feels an irresistible impulse of conscience to be true to itself. It labors under its guilty possession, and knows not what to do with it. The human heart was not made for the residence of such an inhabitant. It finds itself preyed on by a torment, which it dares not acknowledge to God nor man. A vulture is devouring it, and it can ask no sympathy or assistance, either from heaven or earth. The secret which the murderer possesses soon comes to possess him; and, like the evil spirits of which we read, it overcomes him, and leads him whithersoever it will. He feels it beating at his heart, rising to his throat, and demanding disclosure.

He thinks the whole world sees it in his face, reads it in his eyes, and almost hears its workings in the very silence of his thoughts. It has become his master. It betrays his discretion, it breaks down his courage, it conquers his prudence. When suspicions, from without, begin to embarrass him, and the net of circumstance to entangle him, the fatal *secret* struggles with still greater violence to burst forth. It must be confessed, *it will be* confessed; there is no refuge from confession but suicide, and suicide is confession.

Much has been said, on this occasion, of the excitement which has existed, and still exists, and of the extraordinary measures taken to discover and punish the guilty. No doubt there has been, and is, much excitement, and strange indeed were it, had it been otherwise. Should not all the peaceable and well-disposed naturally feel concerned, and naturally exert themselves to bring to punishment the authors of this secret assassination? Was it a thing to be slept upon or forgotten? Did you, gentlemen, sleep quite as quietly in your beds after this murder as before? Was it not a case for rewards, for meetings, for committees, for the united efforts of all the good, to find out a band of murderous conspirators, of midnight ruffians, and to bring them to the bar of justice and law? If this be excitement, is it an unnatural or an improper excitement?

It seems to me, gentlemen, that there are appearances of another feeling, of a very different nature and character, not very extensive I would hope, but still there is too much evidence of its existence. Such is human nature, that some persons lose their abhorrence of crime, in their admiration of its magnificent exhibitions. Ordinary vice is reprobated by them, but extraordinary guilt, exquisite wickedness, the high flights and poetry of crime, seize on

the imagination, and lead them to forget the depths of the guilt, in admiration of the excellence of the performance, or the unequalled atrocity of the purpose. There are those in our day, who have made great use of this infirmity of our nature, and by means of it done infinite injury to the cause of good morals. They have affected not only the taste, but I fear also the principles, of the young, the heedless, and the imaginative, by the exhibition of interesting and beautiful monsters. They render depravity attractive, sometimes by the polish of its manners, and sometimes by its very extravagance, and study to show off crime under all the advantages of cleverness and dexterity. Gentlemen, this is an extraordinary murder—but it is still a murder. We are not to lose ourselves in wonder at its origin, or in gazing on its cool and skilful execution. We are to detect and to punish it; and while we proceed with caution against the prisoner, and are to be sure that we do not visit on his head the offences of others, we are yet to consider that we are dealing with a case of most atrocious crime, which has not the slightest circumstance about it to soften its enormity. It is murder, deliberate, concerted, malicious murder.

Although the interest in this case may have diminished by the repeated investigation of the facts; still, the additional labor which it imposes upon all concerned is not to be regretted, if it should result in removing all doubts of the guilt of the prisoner.

The learned counsel for the prisoner has said truly, that it is your individual duty to judge the prisoner,—that it is your individual duty to determine his guilt or innocence—and that you are to weigh the testimony with candor and fairness. But much at the same time has been said, which, although it would seem to have no distinct bearing on the trial, cannot be passed over without some notice.

A tone of complaint so peculiar has been indulged, as would almost lead us to doubt whether the prisoner at the bar, or the managers of this prosecution, are now on trial. Great pains have been taken to complain of the *manner* of the prosecution. We hear of getting up a case; of setting in motion trains of machinery; of foul testimony; of combinations to overwhelm the prisoner; of private prosecutors; that the prisoner is hunted, persecuted, driven to his trial; that everybody is against him; and various other complaints, as if those who would bring to punishment the authors of this murder were almost as bad as they who committed it.

In the course of my whole life, I have never heard before, so much said about the particular counsel who happened to be employed; as if it were extraordinary, that other counsel than the usual officers of the Government should be assisting in the conducting of a case on the part of the Government. In one of the last capital trials in this county, that of Jackman for "the Goodridge robbery," (so called,) I remember that the learned head of the Suffolk Bar, Mr. Prescott, came down in aid of the officers of the Government. This was regarded as neither strange nor improper. The counsel for the prisoner, in that case, contented themselves with answering his arguments, as far as they were able, instead of carping at his presence.

Complaint is made that rewards were offered, in this case, and temptations held out to obtain testimony. Are not rewards always offered, when great and secret offences are committed? Rewards were offered in the case to which I have alluded; and every other means taken to discover the offenders, that ingenuity, or the most persevering vigilance, could suggest. The learned counsel have suffered their zeal to lead them into a strain of complaint, at the manner in which the perpetrators of this crime were detected,

almost indicating that they regard it as a positive injury, to them, to have found out their guilt. Since no man witnessed it, since they do not now confess it, attempts to discover it are half esteemed as officious intermeddling, and impertinent inquiry.

It is said, that here even a committee of vigilance was appointed. This is a subject of reiterated remark. This committee are pointed at, as though they had been officiously intermeddling with the administration of justice. They are said to have been "laboring for months" against the prisoner. Gentlemen, what must we do in such a case? Are people to be dumb and still, through fear of overdoing? Is it come to this, that an effort cannot be made, a hand cannot be lifted, to discover the guilty, without its being said, there is a combination to overwhelm innocence? Has the community lost all moral sense? Certainly, a community that would not be roused to action, upon an occasion such as this was, a community which should not deny sleep to their eyes, and slumber to their eyelids, till they had exhausted all the means of discovery and detection, must, indeed, be lost to all moral sense, and would scarcely deserve protection from the laws. The learned counsel have endeavored to persuade you, that there exists a prejudice against the persons accused of this murder. They would have you understand that it is not confined to this vicinity alone, but that even the Legislature have caught this spirit. That through the procurement of the gentleman, here styled private prosecutor, who is a member of the Senate, a special session of this court was appointed for the trial of these offenders. That the ordinary movements of the wheels of justice were too slow for the purposes devised.—But does not everybody see and know that it was matter of absolute necessity to have a special session of the court? When or how could the prisoners have been

tried without a special session? In the ordinary arrangement of the courts, but one week, in a year, is allotted for the whole court to sit in this county. In the trial of all capital offences a majority of the court, at least, are required to be present. In the trial of the present case alone, three weeks have already been taken up. Without such special session, then, three years would not have been sufficient for the purpose. It is answer sufficient to all complaints on this subject, to say, that the law was drawn by the late chief justice himself, to enable the court to accomplish its duties; and to afford the persons accused an opportunity for trial without delay.

Again, it is said, that it was not thought of making Francis Knapp, the prisoner at the bar, a PRINCIPAL till after the death of Richard Crowninshield, Jun.; that the present indictment is an after-thought—that "testimony was got up" for the occasion. It is not so. There is no authority for this suggestion. The case of the Knapps had not then been before the grand jury. The officers of the Government did not know what the testimony would be against them. They could not, therefore, have determined what course they should pursue. They intended to arraign all as principals, who should appear to have been principals; and all as accessories, who should appear to have been accessories. All this could be known only when the evidence should be produced.

But the learned counsel for the defendant take a somewhat loftier flight still. They are more concerned, they assure us, for the law itself, than even for their client. Your decision, in this case, they say, will stand as a precedent. Gentlemen, we hope it will. We hope it will be a precedent, both of candor and intelligence, of fairness and of firmness; a precedent of good sense and honest purpose, pursuing their investigation discreetly, rejecting

loose generalities, exploring all the circumstances, weighing each, in search of truth, and embracing and declaring the truth, when found.

It is said, that "laws are made, not for the punishment of the guilty, but for the protection of the innocent." This is not quite accurate, perhaps, but if so, we hope they will be so administered as to give that protection. But who are the innocent, whom the law would protect? Gentlemen, Joseph White was innocent. They are innocent who, having lived in the fear of God, through the day, wish to sleep in his peace through the night, in their own beds. The law is established, that those who live quietly, may sleep quietly; that they who do no harm, may feel none. The gentleman can think of none that are innocent, except the prisoner at the bar, not yet convicted. Is a proved conspirator to murder, innocent? Are the Crowninshields and the Knapps, innocent? What is innocence? How deep stained with blood,—how reckless in crime,—how deep in depravity, may it be, and yet remain innocence? The law is made, if we would speak with entire accuracy, to protect the innocent, by punishing the guilty. But there are those innocent, out of court as well as in;—innocent citizens not suspected of crime, as well as innocent prisoners at the bar.

The criminal law is not founded in a principle of vengeance. It does not punish, that it may inflict suffering. The humanity of the law feels and regrets every pain it causes, every hour of restraint it imposes, and more deeply still, every life it forfeits. But it uses evil, as the means of preventing greater evil. It seeks to deter from crime, by the example of punishment. This is its true, and only true main object. It restrains the liberty of the few offenders, that the many who do not offend may enjoy their own liberty. It forfeits the life of the murderer, that

other murders may not be committed. The law might open the jails, and at once set free all persons accused of offences, and it ought to do so, if it could be made certain that no other offences would hereafter be committed. Because it punishes, not to satisfy any desire to inflict pain, but simply to prevent the repetition of crimes. When the guilty, therefore, are not punished, the law has, so far, failed of its purpose; the safety of the innocent is, so far, endangered. Every unpunished murder takes away something from the security of every man's life. And whenever a jury, through whimsical and ill-founded scruples, suffer the guilty to escape, they make themselves answerable for the augmented danger of the innocent.

We wish nothing to be strained against this defendant. Why, then, all this alarm? Why all this complaint against the manner in which the crime is discovered? The prisoner's counsel catch at supposed flaws of evidence, or bad character of witnesses, without meeting the case. Do they mean to deny the conspiracy? Do they mean to deny that the two Crowninshields and the two Knapps were conspirators? Why do they rail against Palmer, while they do not disprove, and hardly dispute, the truth of any one fact sworn to by him? Instead of this, it is made matter of sentimentality, that Palmer has been prevailed upon to betray his bosom companions, and to violate the sanctity of friendship: again, I ask, why do they not meet the case? If the fact is out, why not meet it? Do they mean to deny that Captain White is dead? One should have almost supposed even that, from some remarks that have been made. Do they mean to deny the conspiracy? Or, admitting a conspiracy, do they mean to deny only, that Frank Knapp, the prisoner at the bar, was abetting in the murder, being present, and so deny that he was a principal? If a conspiracy is proved, it bears closely

upon every subsequent subject of inquiry. Why don't they come to the fact? Here the defence is wholly indistinct. The counsel neither take the ground, nor abandon it. They neither fly, nor light. They hover. But they must come to a closer mode of contest. They must meet the facts, and either deny or admit them. Had the prisoner at the bar, then, a knowledge of this conspiracy or not? This is the question. Instead of laying out their strength in complaining of the *manner* in which the deed is discovered,—of the extraordinary pains taken to bring the prisoner's guilt to light;—would it not be better to show there was no guilt? Would it not be better to show his innocence? They say, and they complain, that the community feel a great desire that he should be punished for his crimes;—would it not be better to convince you that he has committed no crime?

Gentlemen, let us now come to the case. Your first inquiry, on the evidence, will be,—was Captain White murdered in pursuance of a conspiracy, and was the defendant one of this conspiracy? If so, the second inquiry is,—was he so connected with the murder itself as that he is liable to be convicted as a *principal?* The defendant is indicted as a *principal.* If not guilty *as such*, you cannot convict him. The indictment contains three distinct classes of counts. In the *first*, he is charged as having done the deed, with his own hand;—in the *second*, as an aider and abettor to Richard Crowninshield, Jr., who did the deed;—in the *third*, as an aider and abettor to some person unknown. If you believe him guilty on either of these counts, or in either of these ways, you must convict him.

It may be proper to say, as a preliminary remark, that there are two extraordinary circumstances attending this trial. One is, that Richard Crowninshield, Jr., the supposed immediate *perpetrator* of the murder, since his arrest,

has committed suicide. He has gone to answer before a tribunal of perfect infallibility. The other is, that Joseph Knapp, the supposed origin and planner of the murder, having once made a full disclosure of the facts, under a promise of indemnity, is, nevertheless, not now a witness. Notwithstanding his disclosure, and his promise of indemnity, he now refuses to testify. He chooses to return to his original state, and now stands answerable himself, when the time shall come for his trial. These circumstances it is fit you should remember, in your investigation of the case.

Your decision may affect more than the life of this defendant. If he be not convicted as principal, no one can be. Nor can any one be convicted of a participation in the crime as accessory. The Knapps and George Crowninshield will be again on the community. This shows the importance of the duty you have to perform;—and to remind you of the degree of care and wisdom necessary to be exercised in its performance. But certainly these considerations do not render the prisoner's guilt any clearer, nor enhance the weight of the evidence against him. No one desires you to regard consequences in that light. No one wishes any thing to be strained, or too far pressed against the prisoner. Still, it is fit you should see the full importance of the duty devolved upon you. And now, gentlemen, in examining this evidence, let us begin at the beginning, and see first what we know independent of the disputed testimony. This is a case of circumstantial evidence. And these circumstances, we think, are full and satisfactory. The case mainly depends upon them, and it is common that offences of this kind must be proved in this way. Midnight assassins take no witnesses. The evidence of the *facts* relied on has been, somewhat sneeringly, denominated by the learned counsel, "*circumstantial*

stuff," but it is not such *stuff* as dreams are made of. Why does he not rend this *stuff?* Why does he not tear it away, with the crush of his hand? He dismisses it a little too summarily. It shall be my business to examine this *stuff* and try its cohesion.

The letter from Palmer at Belfast, is that no more than flimsy *stuff?*

The fabricated letters, from Knapp to the committee, and Mr. White, are they nothing but *stuff?*

The circumstance, that the housekeeper was away at the time the murder was committed, as it was agreed she would be, is that, too, a useless piece of the same *stuff?*

The facts, that the key of the chamber-door was taken out and secreted; that the window was unbarred and unbolted; are these to be so slightly and so easily disposed of?

It is necessary, gentlemen, now to settle, at the commencement, the great question of a *conspiracy*. If there was none, or the defendant was not a party, then there is no evidence here to convict him. If there was a conspiracy, and he is proved to have been a party, then these two facts have a strong bearing on others and all the great points of inquiry. The defendant's counsel take no distinct ground, as I have already said, on this point, neither to admit, nor to deny. They choose to confine themselves to a hypothetical mode of speech. They say, supposing there *was* a conspiracy, *non sequitur*, that the prisoner is guilty, as *principal*. Be it so. But still, if there was a conspiracy, and if he was a conspirator, and helped to plan the murder, this may shed much light on the evidence, which goes to charge him with the execution of that plan.

We mean to make out the conspiracy; and that the defendant was a party to it; and then to draw all just inferences from these facts.

Let me ask your attention, then, in the first place, to those appearances, on the morning after the murder, which have a tendency to show, that it was done in pursuance of a preconcerted plan of operation. What are they? A man was found murdered in his bed.—No stranger had done the deed—no one unacquainted with the house had done it.—It was apparent, that somebody from within had opened, and somebody from without had entered.—There had been there, obviously and certainly, concert and co-operation. The inmates of the house were not alarmed when the murder was perpetrated. The assassin had entered, without any riot, or any violence. He had found the way prepared before him. The house had been previously opened. The window was unbarred, from within, and its fastening unscrewed. There was a lock on the door of the chamber in which Mr. White slept, but the key was gone. It had been taken away, and secreted. The footsteps of the murderer were visible, out doors, tending toward the window. The plank by which he entered the window still remained. The road he pursued had been thus prepared for him. The victim was slain, and the murderer has escaped. Every thing indicated that somebody from *within* had co-operated with somebody from *without*. Every thing proclaimed that some of the inmates, or somebody having access to the house, had had a hand in the murder. On the face of the circumstances, it was apparent, therefore, that this was a premeditated, concerted, conspired murder. Who then were the conspirators? If not now found out, we are still groping in the dark, and the whole tragedy is still a mystery.

If the Knapps and the Crowninshields were not the conspirators in this murder, then there is a whole set of conspirators yet not discovered. Because, independent of the testimony of Palmer and Leighton, independent of all dis-

puted evidence, we know, from uncontroverted facts, that this murder was, and must have been, the result of concert and co-operation, between two or more. We know it was not done, without plan and deliberation; we see, that whoever entered the house, to strike the blow, was favored and aided by some one, who had been previously in the house, without suspicion, and who had prepared the way. This is concert, this is co-operation, this is conspiracy. If the Knapps and the Crowninshields, then, were not the conspirators, who were? Joseph Knapp had a motive to desire the death of Mr. White, and that motive has been shown.

He was connected by marriage in the family of Mr. White. His wife was the daughter of Mrs. Beckford, who was the only child of a sister of the deceased. The deceased was more than eighty years old, and he had no children. His only heirs were nephews and nieces. He was supposed to be possessed of a very large fortune,—which would have descended, by law, to his several nephews and nieces in equal shares, or, if there was a will, then according to the will. But as Captain White had but two branches of heirs—the children of his brother Henry White, and of Mrs. Beckford—according to the common idea each of these branches would have shared one-half of Mr. White's property.

This popular idea is not legally correct. But it is common, and very probably was entertained by the parties. According to this, Mrs. Beckford, on Mr. White's death without a will, would have been entitled to one-half of Mr. White's ample fortune; and Joseph Knapp had married one of her three children. There was a will, and this will gave the bulk of the property to others; and we learn from Palmer that one part of the design was to destroy the will before the murder was committed.

There had been a previous will, and that previous will was known or believed to have been more favorable than the other, to the Beckford family. So that by destroying the last will, and destroying the life of the testator at the same time, either the first and more favorable will would be set up, or the deceased would have no will, which would be, as was supposed, still more favorable. But the conspirators not having succeeded in obtaining and destroying the last will, though they accomplished the murder, but the last will being found in existence and safe, and that will bequeathing the mass of the property to others, it seemed, at the time, impossible for Joseph Knapp, as for any one else, indeed, but the principal devisee, to have any motive which should lead to the murder. The key which unlocks the whole mystery, is, the knowledge of the intention of the conspirators to steal the will. This is derived from Palmer, and it explains all. It solves the whole marvel. It shows the motive actuating those, against whom there is much evidence, but who, without the knowledge of this intention, were not seen to have had a motive. This intention is proved, as I have said, by Palmer; and it is so congruous with all the rest of the case, it agrees so well with all facts and circumstances, that no man could well withhold his belief, though the facts were stated by a still less credible witness. If one, desirous of opening a lock, turns over and tries a bunch of keys till he finds one that will open it, he naturally supposes he has found the key of that lock. So in explaining circumstances of evidence, which are apparently irreconcilable, or unaccountable, if a fact be suggested, which at once accounts for all, and reconciles all, by whomsoever it may be stated, it is still difficult not to believe that such fact is the true fact belonging to the case. In this respect, Palmer's testimony is singularly

confirmed. If he were false, then his ingenuity could not furnish us such clear exposition of strange appearing circumstances. Some truth, not before known, can alone do that.

When we look back, then, to the state of things immediately on the discovery of the murder, we see that suspicion would naturally turn at once, not to the heirs-at-law, but to those principally benefited by the will. They, and they alone, would be supposed or seem to have a direct object for wishing Mr. White's life to be terminated. And, strange as it may seem, we find counsel now insisting, that if no apology, it is yet mitigation of the atrocity of the Knapps' conduct in attempting to charge this foul murder on Mr. White, the nephew and principal devisee, that public suspicion was already so directed! As if assassination of character were excusable, in proportion as circumstances may render it easy. Their endeavors, when they knew they were suspected themselves, to fix the charge on others, by foul means and by falsehood, are fair and strong proof of their own guilt. But more of that hereafter.

The counsel say that they might safely admit, that Richard Crowninshield, Jr. was the perpetrator of this murder.

But how could they safely admit that? If that were admitted, every thing else would follow. For why should Richard Crowninshield, Jr. kill Mr. White? He was not his heir, nor his devisee; nor was he his enemy. What could be his motive? If Richard Crowninshield, Jr. killed Mr. White, he did it, at some one's procurement who himself had a motive. And who, having any motive, is shown to have had any intercourse with Richard Crowninshield, Jr. but Joseph Knapp, and this, principally through the agency of the prisoner at the bar? It is the

infirmity, the distressing difficulty of the prisoner's case, that his counsel cannot and dare not admit what they yet cannot disprove and what all must believe. He who believes, on this evidence, that Richard Crowninshield, Jr. was the immediate murderer, cannot doubt that both the Knapps were conspirators in that murder. The counsel, therefore, are wrong, I think, in saying they might safely admit this. The admission of so important, and so connected a fact, would render it impossible to contend further against the proof of the entire conspiracy, as we state it.

What, then, was this conspiracy? J. J. Knapp, Jr., desirous of destroying the will, and of taking the life of the deceased, hired a ruffian, who, with the aid of other ruffians, were to enter the house, and murder him, in his own bed.

As far back as January, this conspiracy began. Endicott testifies to a conversation with J. J. Knapp, at that time, in which Knapp told him that Captain White had made a will, and given the principal part of his property to Stephen White. When asked how he knew, he said, "Black and white don't lie." When asked, if the will was not locked up, he said, "There is such a thing as two keys to the same lock." And speaking of the then late illness of Captain White, he said, that Stephen White would not have been sent for, if *he* had been there.

Hence he appears, that as early as January, Knapp had a knowledge of the will, and that he had access to it, by means of false keys. This knowledge of the will, and an intent to destroy it, appear also from Palmer's testimony, —a fact disclosed to him by the other conspirators. He says, that he was informed of this by the Crowninshields on the 2d of April. But, then, it is said that Palmer is not to be credited; that by his own confession he is a

felon; that he has been in the State prison in Maine; and, above all, that he was an inmate and associate with these conspirators themselves. Let us admit these facts. Let us admit him to be as bad as they would represent him to be; still, in law, he is a competent witness. How else are the secret designs of the wicked to be proved, but by their wicked companions, to whom they have disclosed them? The Government does not select its witnesses. The conspirators themselves have chosen Palmer. He was the confidant of the prisoners. The fact, however, does not depend on his testimony alone. It is corroborated by other proof; and, taken in connection with the other circumstances, it has strong probability. In regard to the testimony of Palmer, generally,—it may be said, that it is less contradicted, in all parts of it, either by himself or others, than that of any other material witness, and that every thing he has told, has been corroborated by other evidence, so far as it was susceptible of confirmation. An attempt has been made to impair his testimony, as to his being at the half-way house on the night of the murder;—you have seen with what success. Mr. Babb is called to contradict him: you have seen how little he knows, and even that not certainly; for he, himself, is proved to have been in error, by supposing him to have been at the half-way house on the evening of the 9th of April. At that time, Palmer is proved to have been at Dustin's in Danvers. If, then, Palmer, bad as he is, has disclosed the secrets of the conspiracy, and has told the truth—there is no reason why it should not be believed. Truth is truth, come whence it may.

The facts show, that this murder had been long in agitation, that it was not a new proposition, on the 2d of April; that it had been contemplated for five or six weeks before. R. Crowninshield was at Wenham in the

latter part of March, as testified by Starrett. F. Knapp was at Danvers, in the latter part of February, as testified by Allen. R. Crowninshield inquired whether Captain Knapp was about home, when at Wenham. The probability is, that they would open the case to Palmer, as a new project. There are other circumstances that show it to have been some weeks in agitation. Palmer's testimony as to the transactions on the 2d of April, is corroborated by Allen, and by Osborn's books. He says that F. Knapp came there in the afternoon, and again in the evening. So the book shows. He says that Captain White had gone out to his farm on that day. So others prove. How could this fact, or these facts, have been known to Palmer, unless F. Knapp had brought the knowledge? and was it not the special object of this visit, to give information of this fact, that they might meet him and execute their purpose on his return from his farm? The letter of Palmer, written at Belfast, has intrinsic evidence of genuineness. It was mailed at Belfast, May 13th. It states facts that he could not have known, unless his testimony be true. This letter was not an after-thought; it is a genuine narrative. In fact, it says, "I know the business your brother Frank was transacting on the 2d of April:" how could he have possibly known this, unless he had been there? The "$1000, that was to be paid;" where could he have obtained this knowledge? The testimony of Endicott, of Palmer, and these facts, are to be taken together; and they, most clearly, show that the death of Captain White must have been caused by *somebody interested* in putting an end to his life.

As to the testimony of Leighton. As far as manner of testifying goes, he is a bad witness: but it does not follow from this that he is not to be believed. There are some

strange things about him. It is strange, that he should make up a story against Captain Knapp, the person with whom he lived;—that he never voluntarily told any thing: all that he has said is screwed out of him. The story could not have been invented by him; his character for truth is unimpeached; and he intimated to another witness, soon after the murder happened, that he knew something he should not tell. There is not the least contradiction in his testimony, though he gives a poor account of withholding it. He says that he was extremely *bothered* by those who questioned him. In the main story that he relates, he is universally consistent with himself: some things are for him, and some against him. Examine the intrinsic probability of what he says. See if some allowance is not to be made for him, on account of his ignorance, with things of this kind. It is said to be extraordinary, that he should have heard just so much of the conversation and no more; that he should have heard just what was necessary to be proved, and nothing else. Admit that this is extraordinary; still, this does not prove it not true. It is extraordinary that you twelve gentlemen should be called upon, out of all the men in the county, to decide this case: no one could have foretold this, three weeks since. It is extraordinary, that the first clew to this conspiracy should have been derived from information given by the father of the prisoner at the bar. And in every case that comes to trial, there are many things extraordinary. The murder itself in this case is an extraordinary one; but still we do not doubt its reality.

It is argued, that this conversation between Joseph and Frank, could not have been, as Leighton has testified, because they had been together for several hours before,—this subject must have been uppermost in their minds,—

whereas this appears to have been the commencement of their conversation upon it. Now, this depends altogether upon the tone and manner of the expression; upon the particular word in the sentence, which was emphatically spoken. If he had said, "When did you *see* Dick, Frank?"—this would not seem to be the beginning of the conversation. With what emphasis it was uttered, it is not possible to learn; and therefore nothing can be made of this argument. If this boy's testimony stood alone, it should be received with caution. And the same may be said of the testimony of Palmer. But they do not stand alone. They furnish a clew to numerous other circumstances, which, when known, react in corroborating what would have been received with caution, until thus corroborated. How could Leighton have made up this conversation? "When did you see Dick?" "I saw him this morning." "When is he going to kill the old man?" "I don't know." "Tell him if he don't do it soon, I won't pay him." Here is a vast amount, in few words. Had he wit enough to invent this? There is nothing so powerful as truth; and often nothing so strange. It is not even suggested that the story was made for him. There is nothing so extraordinary in the whole matter, as it would have been for this country boy to have invented this story.

The acts of the parties themselves furnish strong presumption of their guilt. What was done on the receipt of the letter from Maine? This letter was signed by *Charles Grant, Jr.*, a person not known to either of the Knapps,—nor was it known to them that any other person, besides the Crowninshields, knew of the conspiracy. This letter, by the accidental omission of the word *jr.*, fell into the hands of the father, when intended for the son. The father carried it to Wenham, where both the sons were.

They both read it. Fix your eye steadily on this part of the *circumstantial stuff*, which is in the case; and see what can be made of it. This was shown to the two brothers on Saturday, 15th of May. They, neither of them, knew Palmer. And if they had known him, they could not have known him to have been the writer of this letter. It was mysterious to them, how any one, at Belfast, could have had knowledge of this affair. Their conscious guilt prevented due circumspection. They did not see the bearing of its publication. They advised their father to carry it to the committee of vigilance, and it was so carried. On Sunday following, Joseph began to think there might be something in it. Perhaps, in the mean time, he had seen one of the Crowninshields. He was apprehensive that they might be suspected; he was anxious to turn attention from their family. What course did he adopt to effect this? He addressed one letter, with a false name, to Mr. White, and another to the committee; and to complete the climax of his folly, he signed the letter addressed to the committee, "*Grant*,"—the same name as that signed to the letter they then had from Belfast, addressed to Knapp. It was in the knowledge of the committee, that no person but the Knapps had seen this letter from Belfast; and that no other person knew its signature. It therefore must have been irresistibly plain, to them, that one of the Knapps must have been the writer of the letter they had received, charging the murder on Mr. White. Add to this the fact of its having been dated at *Lynn*, and mailed at Salem, four days after it was dated, and who could doubt respecting it? Have you ever read, or known, of folly equal to this? Can you conceive of crime more odious and abominable? Merely to explain the apparent mysteries of the letter from Palmer, they excite the basest suspicions of a man, who, if they were innocent,

they had no reason to believe guilty; and wno, if they were guilty, they most certainly knew to be innocent. Could they have adopted a more direct method of exposing their own infamy? The letter to the committee has intrinsic marks of a knowledge of this transaction. It tells of the *time*, and the *manner* in which the murder was committed. Every line speaks the writer's condemnation. In attempting to divert attention from his family, and to charge the guilt upon another, he indelibly fixes it upon himself.

Joseph Knapp requested Allen to put these letters into the post-office, because, said he, "I wish to nip this silly affair in the bud." If this were not the order of an overruling Providence, I should say that it was the silliest piece of folly that was ever practised. Mark the destiny of crime. It is ever obliged to resort to such subterfuges; it trembles in the broad light; it betrays itself, in seeking concealment. He alone walks safely, who walks uprightly. Who, for a moment, can read these letters and doubt of J. Knapp's guilt? The constitution of nature is made to inform against him. There is no corner dark enough to conceal him. There is no turnpike broad enough, or smooth enough, for a man so guilty to walk in without stumbling. Every step proclaims his secret to every passenger. His own acts come out, to fix his guilt. In attempting to charge another with his *own crime*, he writes his *own confession*. To do away the effect of Palmer's letter, signed *Grant*, he writes his own letter and affixes to it the name of *Grant*. He writes in a disguised hand; but how could it happen, that the same *Grant* should be in Salem, that was at Belfast? This has brought the whole thing out. Evidently he did it, because he has adopted the same style. Evidently he did it, because he speaks of the price of blood, and of other cir-

cumstances connected with the murder, that no one but a conspirator could have known.

Palmer says he made a visit to the Crowninshields, on the 9th of April. George then asked him whether he had heard of the *murder*. Richard inquired whether he had heard the *music at Salem*. They said that *they were suspected*, that a committee had been appointed to search houses; and that they had melted up the dagger, the day after the murder, because it would be a suspicious circumstance to have found it in their possession. Now, this committee was not appointed, in fact, until Friday evening. But this proves nothing against Palmer: it does not prove that George *did not tell him so;* it only proves that he gave a false reason, for a fact. They had heard that they were suspected—how could they have heard this, unless it were from the whisperings of their own consciences? Surely this rumor was not then public.

About the 27th of April, another attempt is made by the Knapps to give a direction to public suspicion. They reported themselves to have been *robbed*, in passing from Salem to Wenham, near Wenham Pond. They came to Salem, and stated the particulars of the adventure: they described persons,—their dress, size, and appearance, *who had been suspected* of the murder. They would have it understood, that the community was infested with a band of ruffians, and that *they*, themselves, were the particular objects of their vengeance. Now, this turns out to be all fictitious,—all false. Can you conceive of any thing more enormous, any wickedness greater, than the circulation of such reports?—than the allegation of crimes, if committed, capital? If no such thing—then it reacts, with double force, upon themselves, and goes very far to show their guilt. How did they conduct on this occasion? did they make hue and cry? Did they give information that they

had been assaulted, that night, at Wenham? No such thing. They rested quietly on that night; they waited to be called on for the particulars of their adventure; they made no attempt to arrest the offenders. This was not their object. They were content to fill the thousand mouths of rumor—to spread abroad false reports—to divert the attention of the public from themselves; for they thought every man suspected them, because they knew they ought to be suspected.

The manner in which the compensation for this murder was paid, is a circumstance worthy of consideration. By examining the facts and dates, it will satisfactorily appear, that Joseph Knapp paid a sum of money to Richard Crowninshield in five-franc pieces, on the 24th of April. On the 21st of April, Joseph Knapp received five hundred five-franc pieces, as the proceeds of an adventure at sea. The remainder of this species of currency that came home in the vessel, was deposited in a bank at Salem. On Saturday, 24th of April, Frank and Richard rode to Wenham. They were there with Joseph an hour or more: appeared to be negotiating private business. Richard continued in the chaise: Joseph came to the chaise and conversed with him. These facts are proved by Hart and Leighton, and by Osborn's books. On Saturday evening, about this time, Richard Crowninshield is proved to have been at Wenham, with another person whose appearance corresponds with Frank, by Lummus. Can any one doubt this being the same evening? What had Richard Crowninshield to do at Wenham, with Joseph, unless it were this business? He was there before the murder; he was there after the murder; he was there clandestinely, unwilling to be seen. If it were not upon this business, let it be told what it was for. Joseph Knapp could explain it; Frank

Knapp might explain it. But they don't explain it; and the inference is against them.

Immediately after this, Richard passes five-franc pieces; on the same evening, *one* to Lummus, *five* to Palmer; and near this time, George passes *three* or *four* in Salem. Here are nine of these pieces passed by them in four days; this is extraordinary. It is an unusual currency: in ordinary business, few men would pass nine such pieces in the course of a year. If they were not received in this way, why not explain how they came by them? Money was not so flush in their pockets, that they could not tell whence it came, if it honestly came there. It is extremely important to them to explain whence this money came; and they would do it if they could. If, then, the price of blood was paid at this time, in the presence and with the knowledge of this defendant, does not this prove him to have been connected with this conspiracy?

Observe, also, the effect on the mind of Richard, of Palmer's being arrested, and committed to prison; the various efforts he makes to discover the fact; the lowering, through the crevices of the rock, the pencil and paper for him to write upon; the sending two lines of poetry, with the request that he would return the corresponding lines; the shrill and peculiar whistle—the inimitable exclamations of "*Palmer! Palmer! Palmer!*"—all these things prove how great was his alarm; they corroborate Palmer's story, and tend to establish the conspiracy.

Joseph Knapp had a part to act in this matter; he must have opened the window, and secreted the key; he had free access to every part of the house; he was accustomed to visit there; he went in and out at his pleasure; he could do this without being suspected. He is proved to have been there the Saturday preceding.

If all these things, taken in connection, do not prove

that Captain White was murdered in pursuance of a conspiracy—then the case is at an end.

Savary's testimony is wholly unexpected. He was called for a different purpose. When asked who the person was, that he saw come out of Captain White's yard between three and four o'clock in the morning,—he answered, *Frank Knapp.* I am not clear this is not true. There may be many circumstances of importance connected with this, though we believe the murder to have been committed between ten and eleven o'clock. The letter to Dr. Barstow states it to have been done about *eleven o'clock*—it states it to have been done *with a blow on the head*, from a weapon loaded with lead. Here is too great a correspondence with the reality, not to have some meaning to it. Dr. Peirson was always of the opinion that the two classes of wounds were made with different instruments, and by different hands. It is possible that one class was inflicted at one time, and the other at another. It is possible that on the last visit, the pulse might not have entirely ceased to beat; and then the finishing stroke was given. It is said, when the body was discovered, some of the wounds weeped, while the others did not. They may have been inflicted from mere wantonness. It was known that Captain White was accustomed to keep specie by him in his chamber; this perhaps may explain the last visit. It is proved, that this defendant was in the habit of retiring to bed, and leaving it afterwards, without the knowledge of his family; perhaps he did so on this occasion. We see no reason to doubt the fact; and it does not shake our belief that the murder was committed early in the night.

What are the probabilities as to the time of the murder? Mr. White was an aged man;—he usually retired to bed at about half-past nine. He slept soundest, in the early part of the night; usually awoke in the middle and latter

part; and his habits were perfectly well known. When would persons, with a knowledge of these facts, be most likely to approach him? Most certainly, in the first hour of his sleep. This would be the safest time. If seen then, going to or from the house, the appearance would be least suspicious. The earlier hour would then have been most probably selected.

Gentlemen, I shall dwell no longer on the evidence which tends to prove that there was a conspiracy, and that the prisoner was a conspirator. All the circumstances concur to make out this point. Not only Palmer swears to it, in effect, and Leighton, but Allen mainly supports Palmer, and Osborn's books lend confirmation, so far as possible from such a source. Palmer is contradicted in nothing, either by any other witness, or any proved circumstance or occurrence. Whatever could be expected to support him, does support him. All the evidence clearly manifests, I think, that there was a conspiracy; that it originated with J. Knapp; that defendant became a party to it, and was one of its conductors, from first to last. One of the most powerful circumstances, is Palmer's letter from Belfast. The amount of this was, a direct charge on the Knapps, of the authorship of this murder. How did they treat this charge? like honest men, or like guilty men? We have seen how it was treated. J. Knapp fabricated letters, charging another person, and caused them to be put into the post-office.

I shall now proceed on the supposition, that it is proved that there was a conspiracy to murder Mr. White, and that the prisoner was party to it.

The second, and the material inquiry is, *was the prisoner present at the murder, aiding and abetting therein?*

This leads to the legal question in the case, what does

the law mean, when it says, to charge him as a principal, "he must be present aiding and abetting in the murder"?

In the language of the late chief-justice, "it is not required that the abettor shall be actually upon the spot when the murder is committed, or even in sight of the more immediate perpetrator of the victim, to make him a principal. If he be at a distance, co-operating in the act, by watching to prevent relief, or to give an alarm, or to assist his confederate in escape, *having knowledge of the purpose and object of the assassin*,—this in the eye of the law is being present, aiding and abetting, so as to make him a principal in the murder."

"If he be at a *distance* co-operating." This is not a *distance* to be measured by feet or rods; if the intent to lend aid combine with a knowledge that the murder is to be committed, and the person so intending be so situate that he can by any possibility lend this aid, in any manner, then he is *present* in legal contemplation. He need not lend any actual aid: to be ready to assist is assisting.

There are two sorts of murder; the distinction between them it is of essential importance to bear in mind. 1. Murder in an affray, or upon sudden and unexpected provocation; 2. Murder secretly, with a deliberate, predeterminate intention to commit murder. Under the first class, the question usually is whether the offence be murder or manslaughter, in the person who commits the deed. Under the second class, it is often a question whether others than he who actually did the deed, were present aiding and assisting thereto. Offences of this kind ordinarily happen when there is nobody present except those who go on the same design. If a riot should happen in the court-house, and one should kill another—this may be murder or it may not, according to the intention with which it was done, which is always matter of fact to be

collected from the circumstances at the time. But in secret murders, premeditated and determined on, there can be no doubt of the murderous intention; there can be no doubt, if a person be present, knowing a murder is to be done, of his concurring in the act. His being there is a proof of his intent to aid and abet; else why is he there?

It has been contended that proof must be given that the person accused did actually afford aid, did lend a hand in the murder itself; and without this proof, although he may be near by, he may be presumed to be there for an innocent purpose; he may have crept silently there to hear the news, or from mere curiosity to see what was going on. Preposterous! — absurd! Such an idea shocks all common sense. A man is found to be a conspirator to do a murder; he has planned it; he has assisted in arranging the time, the place, and the means; and he is found in the place, and at the time, and yet it is suggested that he might have been there, not for co-operation and concurrence, but from curiosity! Such an argument deserves no answer. It would be difficult to give it one, in decorous terms. Is it not to be taken for granted that a man seeks to accomplish his own purposes? When he has planned a murder, and is present at its execution, is he there to forward, or to thwart, his own design? Is he there to assist, or there to prevent? But "curiosity!" He may be there from mere "curiosity!" Curiosity to witness the success of the execution of his own plan of murder! The very walls of a court-house ought not to stand—the plough-share should run through the ground it stands on—where such an argument could find toleration.

It is not necessary that the abettor should actually lend a hand—that he should take a part in the act itself; if he be present, ready to assist—that is assisting. Some of the

doctrines advanced would acquit the defendant though he had gone to the bed-chamber of the deceased—though he had been standing by when the assassin gave the blow. This is the argument we have heard to-day. [The court here said they did not so understand the argument of the counsel for defendant. Mr. Dexter said, "the intent and power alone must co-operate." Mr. Webster continued:] No doubt the law is that being ready to assist is assisting, if he has the power to assist, in case of need. And it is so stated by Foster, who is a high authority. "If A. happeneth to be present at a murder, for instance, and taketh no part in it, nor endeavoreth to prevent it, nor apprehendeth the murderer, nor levyeth hue and cry after him this strange behavior of his, though highly criminal, will not of itself render him either principal or accessory.' "But if a fact amounting to murder should be committed in prosecution of some unlawful purpose, *though it were but a bare trespass*, to which A., in the case last stated, had consented, and he had gone in order to give assistance, if need were, for carrying it into execution—this would have amounted to murder in him, and in every person present and joining with him." "If the fact was committed in prosecution of the original purpose, *which was unlawful*, the whole party will be involved in the guilt of him who gave the blow. For, in combinations of this kind, the mortal stroke, though given by one of the party, is considered, in the eye of the law, and of sound reason too, as given by every individual present and abetting. The person actually giving the stroke is no more than the hand or instrument by which the others strike." The author, in speaking of being present, means actual presence; not *actual* in opposition to *constructive*, for the law knows no such distinction. There is but one presence, and this is the situation from which aid, or supposed aid

may be rendered. The law does not say where he is to go, or how near he is to go, but somewhere where he may give assistance, or where the perpetrator may suppose that he may be assisted by him. Suppose that he is acquainted with the design of the murderer, and has a knowledge of the time when it is to be carried into effect, and goes out with a view to render assistance, if need be: why, then, even though the murderer does not know of this, the person so going out will be an abettor in the murder. It is contended that the prisoner at the bar could not be a principal, he being in Brown Street; because he could not there render assistance. And you are called upon to determine this case according as you may be of opinion whether Brown Street was, or was not, a suitable, convenient, well-chosen place to aid in this murder. This is not the true question. The inquiry is, not whether you would have selected this place in preference to all others, or whether you would have selected it at all; if they chose it, why should we doubt about it? How do we know the use they intended to make of it, or the kind of aid that he was to afford by being there? The question for you to consider is, did the defendant go into Brown Street *in aid of this murder?* Did he go there by agreement, by appointment, with the perpetrator? If so, every thing else follows. The main thing—indeed, the only thing—is to inquire whether he was in Brown Street by appointment with Richard Crowninshield; it might be to keep general watch; to observe the lights, and advise as to time of access; to meet the prisoner on his return; to advise him as to his escape; to examine his clothes; to see if any marks of blood; to furnish exchange of clothes, or new disguise, if necessary; to tell him through what streets he could safely retreat, or whether he could deposit the club in the place designed:—or it might be without

any distinct object, but merely to afford that encouragement which would be afforded by Richard Crowninshield's consciousness that he was near. It is of no consequence whether, in your opinion, the place was well chosen or not, to afford aid;—if it was so chosen, if it was by appointment that he was there, that is enough. Suppose Richard Crowninshield, when applied to to commit the murder, had said, "I won't do it unless there can be some one near by to favor my escape. I won't go unless you will stay in Brown Street." Upon the gentleman's argument, he would not be an aider and abettor in the murder, because the place was not well chosen; though it is apparent that the being in the place chosen was a condition without which the murder would have never happened.

You are to consider the defendant as one in the league, in the combination to commit murder. If he was there by appointment with the perpetrator, he is an abettor. The concurrence of the perpetrator in his being there, is proved by the previous evidence of the conspiracy. If Richard Crowninshield, for any purpose whatsoever, made it a condition of the agreement, that Frank Knapp should stand as *backer*, then Frank Knapp was an aider and abettor: no matter what the aid was, of what sort it was, or degree —be it never so little. Even if it were to judge of the hour, when it was best to go, or to see when the lights were extinguished, or to give an alarm if any one approached. Who better calculated to judge of these things than the murderer himself? and if he so determined them, that is sufficient.

Now as to the facts. Frank Knapp knew that the murder was that night to be committed; he was one of the conspirators, he knew the object, he knew the time. He had that day been to Wenham to see Joseph, and probably to Danvers to see Richard Crowninshield, for he kept his

motions secret; he had that day hired a horse and chaise of Osborn, and attempted to conceal the purpose for which it was used,—he had intentionally left the *place* and the *price* blank on Osborn's books. He went to Wenham by the way of Danvers: he had been told the week before, to hasten Dick; he had seen the Crowninshields several times within a few days; he had a saddle-horse the Saturday night before; he had seen Mrs. Beckford at Wenham, and knew she would not return that night. She had not been away before for six weeks, and probably would not soon be again. He had just come from there. Every day, for the week previous, he had visited one or other of these conspirators, save Sunday, and then probably he saw them in town. When he saw Joseph on the 6th, Joseph had prepared the house, and would naturally tell him of it; there were constant communications between them, daily and nightly visitation;—too much knowledge of these parties and this transaction, to leave a particle of doubt on the mind of any one, that Frank Knapp knew that the murder was to be done this night. The hour was come, and he knew it; if so, and he was in Brown Street, without explaining why he was there, can the jury for a moment doubt, whether he was there to countenance, aid or support; or for curiosity alone; or to learn how the wages of sin and death were earned by the perpetrator?

[Here Mr. Webster read the law from Hawkins. 1 Hawk. 204, lib. 1, chap. 32, sec. 7.]

The perpetrator would derive courage, and strength, and confidence, from the knowledge of the fact that one of his associates was near by. If he was in Brown Street, he could have been there for no other purpose. If there for this purpose, then he was, in the language of the law, *present*, aiding and abetting in the murder.

His interest lay in being somewhere else. If he had

nothing to do with the murder, no part to act, why not stay at home? Why should he jeopard his own life, if it was not agreed that he should be there? He would not voluntarily go where the very place would probably cause him to swing if detected. He would not voluntarily assume the place of danger. His taking this place, proves that he went to give aid. His staying away would have made an *alibi*. If he had nothing to do with the murder, he would be at home, where he could prove his *alibi*. He knew he was in danger, because he was guilty of the conspiracy, and, if he had nothing to do, would not expose himself to suspicion or detection.

Did the prisoner at the bar countenance this murder? Did he concur, or did he non-concur, in what the perpetrator was about to do? Would he have tried to shield him? Would he have furnished his cloak for protection? Would he have pointed out a safe way of retreat? As you would answer these questions, so you should answer the general question—whether he was there *consenting to the murder*, or whether he was there *a spectator only*.

One word more on this *presence*, called *constructive presence*. What aid is to be rendered? Where is the line to be drawn, between acting, and omitting to act? Suppose he had been in the house, suppose he had followed the perpetrator to the chamber: what could he have done? This was to be a murder by stealth, it was to be a secret assassination. It was not their purpose to have an open combat; they were to approach their victim unawares, and silently give the fatal blow. But if he had been in the chamber, no one can doubt that he would have been an abettor; because of his presence, and ability to render services, if needed. What service could he have rendered, if there? Could he have helped him fly? Could he have aided the silence of his movements? Could he have

facilitated his retreat, on the first alarm? Surely, this was a case, where there was more of safety in going alone, than with another; where company would only embarrass. Richard Crowninshield would prefer to go alone. He knew his errand too well. His nerves needed no collateral support. He was not the man to take with him a trembling companion. He would prefer to have his aid at a distance. He would not wish to be embarrassed by his presence. He would prefer to have him out of the house. He would prefer that he should be in Brown Street. But, whether in the chamber, in the house, in the garden, or in the street, whatsoever is aiding in *immediate presence* is aiding in *constructive presence*—any thing that is aid in one case is aid in the other.

[Reads from Hawkins. 4 Hawk. 201, lib. iv. chap. 29, sec. 8.]

If then the aid be anywhere, that emboldens the perpetrator—that affords him hope or confidence in his enterprise: it is the same as though he stood at his elbow with his sword drawn: his being there ready to act, with the power to act, that is what makes him an abettor. [Here Mr. Webster referred to Kelly's case, and Hyde's case, &c., cited by counsel for the defendant, and showed that they did not militate with the doctrine for which he contended. The difference is, in those cases there was open violence, this was a case of secret assassination. The aid must meet the occasion. Here no acting was necessary, but watching, concealment of escape, management.]

What are the facts in relation to this presence? Frank Knapp is proved a conspirator—proved to have known that the deed was now to be done. Is it not probable that he was in Brown Street to concur in the murder? There were four conspirators; it was natural that some one of them would go with the perpetrator. Richard

Crowninshield was to be the perpetrator; he was to give the blow. No evidence of any casting of the parts for the others. The defendant would probably be the man to take the second part. He was fond of exploits—he was accustomed to the use of sword-canes, and dirks. If any aid was required, he was the man to give it. At least there is no evidence to the contrary of this.

Aid could not have been received from Joseph Knapp, or from George Crowninshield. Joseph Knapp was at Wenham, and took good care to prove that he was there. George Crowninshield has proved satisfactorily where he was; that he was in other company, such as it was, until eleven o'clock. This narrows the inquiry. This demands of the prisoner to show, that if he was not in this place, where he was? It calls on him loudly to show this, and to show it truly. If he could show it, he would do it. If he don't tell, and that truly, it is against him. The defence of an *alibi* is a double-edged sword. He knew that he was in a situation, that he might be called upon to account for himself. If he had had no particular appointment, or business to attend to, he would have taken care to have been able so to have accounted. He would have been out of town, or in some good company. Has he accounted for himself on that night, to your satisfaction?

The prisoner has attempted to prove an *alibi*, in two ways. In the first place, by four young men with whom he says he was in company on the evening of the murder, from seven o'clock, till near ten o'clock; this depends upon the *certainty of the night.* In the second place, by his family, from ten o'clock afterward; this depends upon the *certainty of the time of night.* These two classes of proof have no connection with each other. One may be true, and the other false, or they may both be true, or both be false. I shall examine this testimony with some

attention, because on a former trial, it made more impression on the minds of the court, than on my own mind. I think, when carefully sifted and compared, it will be found to have in it more of *plausibility* than *reality*.

Mr. Page testifies, that on the evening of the 6th of April, he was in company with Burchmore, Balch, and Forrester, and that he met the defendant about seven o'clock, near the Salem hotel; that he afterward met him at Remond's, about nine o'clock, and that he was in company with him a considerable part of the evening. This young gentleman is a member of college, and says that he came in town the Saturday evening previous; that he is now able to say that it was the night of the murder, when he walked with Frank Knapp, from a recollection of the fact that he called himself to an account, on the morning after the murder, as was natural for men to do when an extraordinary occurrence happens. Gentlemen, this kind of evidence is not satisfactory; general impressions as to time are not to be relied on. If I were called upon to state the particular day on which any witness testified in this cause, I could not do it. Every man will notice the same thing in his own mind. There is no one of these young men that could give any account of himself for any other day in the month of April. They are made to remember the fact, and then they think they remember the time. He has no means of knowing it was Tuesday more than any other time. He did not know it at first, he could not know it afterward. He says he called himself to an account; this has no more to do with the murder than with the man in the moon. Such testimony is not worthy to be relied on, in any forty-shilling cause. What occasion had he to call himself to an account? Did he suppose, that he should be suspected? Had he any intimation of this conspiracy?

Suppose, gentlemen, you were either of you asked, where you were, or what you were doing, on the 15th day of June: you could not answer this question, without calling to mind some events to make it certain. Just as well may you remember on what you dined on each day of the year past. Time is identical. Its subdivisions are all alike. No man knows one day from another, or one hour from another, but by some fact connected with it. Days and hours are not visible to the senses, nor to be apprehended and distinguished by the understanding. The flow of time is known only by something which makes it; and he who speaks of the date of occurrences with nothing to guide his recollection, speaks at random, and is not to be relied on. This young gentleman remembers the facts, and occurrences—he knows nothing why they should not have happened on the evening of the 6th; but he knows no more. All the rest is evidently conjecture or impression.

Mr. White informs you that he told him he could not tell what night it was. The first thoughts are all that are valuable in such case. They miss the mark by taking second aim.

Mr. Balch believes, but is not sure, that he was with Frank Knapp on the evening of the murder. He has given different accounts of the time. He has no means of making it certain. All he knows is, that it was some evening before Fast. But whether Monday, Tuesday, or Saturday, he cannot tell.

Mr. Burchmore says, to the best of his belief, it was the evening of the murder. Afterward he attempts to speak positively, from recollecting that he mentioned the circumstance to William Peirce, as he went to the Mineral Spring on Fast-day. Last Monday morning, he told Colonel Putnam he could not fix the time. This witness stands in a

much worse plight than either of the others. It is difficult to reconcile all he has said, with any belief in the accuracy of his recollections.

Mr. Forrester does not speak with any certainty as to the night; and it is very certain, that he told Mr. Loring and others, that he did not know what night it was.

Now, what does the testimony of these four young men amount to? The only circumstance, by which they approximate to an identifying of the night, is, that three of them say it was cloudy; they think their walk was either on Monday or Tuesday evening, and it is admitted that Monday evening was clear, whence they draw the inference that it must have been Tuesday.

But, fortunately, there is one *fact* disclosed in their testimony that settles the question. Balch says, that on the evening, whenever it was, that he saw the prisoner, the prisoner told him he was going out of town on horseback, for a distance of about twenty minutes' ride, and that he was going to get a horse at Osborn's. This was about seven o'clock. At about nine, Balch says he saw the prisoner again, and was then told by him, that he had had his ride, and had returned. Now it appears by Osborn's books, that the prisoner had a saddle-horse from his stable, not on Tuesday evening, the night of the murder, but on the Saturday evening previous. This fixes the time, about which these young men testify, and is a complete answer and refutation of the attempted *alibi*, on Tuesday evening.

I come now to speak of the testimony adduced by the defendant to explain where he was after ten o'clock on the night of the murder. This comes chiefly from members of the family; from his father and brothers.

It is agreed that the affidavit of the prisoner should be received as evidence of what his brother, Samuel H. Knapp,

would testify, if present. S. H. Knapp says, that about ten minutes past ten o'clock, his brother F. Knapp, on his way to bed, opened his chamber-door, made some remarks, closed the door, and went to his chamber; and that he did not hear him leave it afterward. How is this witness able to fix the time at ten minutes past ten? There is no circumstance mentioned, by which he fixes it. He had been in bed, probably asleep, and was aroused from his sleep, by the opening of the door. Was he in a situation to speak of time with precision? Could he know, under such circumstances, whether it was ten minutes past ten, or ten minutes before eleven, when his brother spoke to him? What would be the natural result, in such a case? But we are not left to conjecture this result. We have positive testimony on this point. Mr. Webb tells you that Samuel told him on the 8th of June, "that he did not know what time his brother Frank came home, and that he was not at home when *he* went to bed." You will consider this testimony of Mr. Webb, as endorsed upon this affidavit; and with this endorsement upon it, you will give it its due weight. This statement was made to him after Frank was arrested.

I come to the testimony of the father. I find myself incapable of speaking of him or his testimony with severity. Unfortunate old man! Another Lear, in the conduct of his children; another Lear, I fear, in the effect of his distress upon his mind and understanding. He is brought here to testify, under circumstances that disarm severity, and call loudly for sympathy. Though it is impossible not to see that his story cannot be credited, yet I am not able to speak of him otherwise than in sorrow and grief. Unhappy father! he strives to remember, perhaps persuades himself that he does remember, that on the evening of the murder he was himself at home at ten o'clock. He thinks,

or seems to think, that his son came in, at about five minutes past ten. He fancies that he remembers his conversation; he thinks he spoke of bolting the door; he thinks he asked the time of night; he seems to remember his then going to his bed. Alas! these are but the swimming fancies of an agitated and distressed mind. Alas! they are but the dreams of hope,—its uncertain lights flickering on the thick darkness of parental distress. Alas! the miserable father knows nothing, in reality, of all these things.

Mr. Shepard says that the first conversation he had with Mr. Knapp, was soon after the murder, and *before* the arrest of his sons. Mr. Knapp says it was *after* the arrest of his sons. His own fears led him to say to Mr. Shepard, that his "son Frank was at home that night; and so Phippen told him,—or as Phippen told him." Mr. Shepard says that he was struck with the remark at the time, that it made an unfavorable impression on his mind; he does not tell you what that impression was, but when you connect it with the previous inquiry he had made,—whether Frank had continued to associate with the Crowninshields? —and recollect that the Crowninshields were then known to be suspected of this crime, can you doubt what this impression was? can you doubt as to the fears he then had?

This poor old man tells you that he was greatly perplexed at the time, that he found himself in embarrassed circumstances; that on this very night he was engaged in making an assignment of his property to his friend, Mr. Shepard. If ever charity should furnish a mantle for error, it should be here. Imagination cannot picture a more deplorable, distressed condition.

The same general remarks may be applied to his conversation with Mr. Treadwell, as have been made upon that with Mr. Shepard. He told him that he believed

Frank was at home about the usual time. In his conversations with either of these persons, he did not pretend to know, of his own knowledge, the time that he came home. He now tells you, positively, that he recollects the time, and that he so told Mr. Shepard. He is directly contradicted by both these witnesses, as respectable men as Salem affords.

This idea of *alibi*, is of recent origin. Would Samuel Knapp have gone to sea, if it were then thought of? His testimony, if true, was too important to be lost. If there be any truth in this part of the *alibi*, it is so near in point of time, that it cannot be relied on. The mere variation of half an hour would avoid it. The mere variations of different time-pieces would explain it.

Has the defendant proved where he was on that night? If you doubt about it—there is an end of it. The burden is upon him, to satisfy you beyond all reasonable doubt. Osborn's books, in connection with what the young men state, are conclusive, I think, on this point. He has not, then, accounted for himself—he has attempted it, and has failed. I pray you to remember, gentlemen, that this is a case, in which the prisoner would, more than any other, be rationally able to account for himself, on the night of the murder, if he could do so. He was in the conspiracy, he knew the murder was then to be committed, and if he himself was to have no hand in its actual execution, he would of course, as matter of safety and precaution, be somewhere else, and be able to prove, afterward, that he had been somewhere else. Having this motive to prove himself elsewhere, and the power to do it, if he were elsewhere, his failing in such proof must necessarily leave a very strong inference against him.

But, gentlemen, let us now consider what is the evidence produced on the part of the Government to prove that

John Francis Knapp, the prisoner at the bar, was in Brown Street on the night of the murder. This is a point of vital importance in this cause. Unless this be made out, beyond reasonable doubt, the law of *presence* does not apply to the case. The Government undertake to prove that he was present, aiding in the murder, by proving that he was in Brown Street for this purpose. Now, what are the undoubted facts? They are, that two persons were seen in that street, at several times, during that evening, under suspicious circumstances;—under such circumstances as induced those who saw them, to watch their movements. Of this, there can be no doubt. Mirick saw a man standing at the post opposite his store, from fifteen minutes before nine, until twenty minutes after, dressed in a full frock-coat, glazed cap, &c., in size and general appearance answering to the prisoner at the bar. This person was waiting there; and whenever any one approached him, he moved to and from the corner, as though he would avoid being suspected, or recognised. Afterward, two persons were seen by Webster, walking in Howard Street, with a slow, deliberate movement, that attracted his attention. This was about half-past nine. One of these he took to be the prisoner at the bar—the other he did not know.

About half-past ten, a person is seen sitting on the ropewalk steps, wrapped in a cloak. He drops his head when passed, to avoid being known. Shortly after, two persons are seen to meet in this street, without ceremony or salutation, and in a hurried manner to converse for a short time; then to separate, and run off with great speed. Now, on this same night, a gentleman is slain,—murdered in his bed,—his house being entered by stealth from without; and his house situated within three hundred feet of this street. The windows of his chamber were in plain sight from this street;—a weapon of death is afterward found

in a place where these persons were seen to pass—in a retired place, around which they had been seen lingering. It is now known that this murder was committed by a conspiracy of four persons, conspiring together for this purpose. No account is given who these suspected persons thus seen in Brown Street and its neighborhood were. Now, I ask, gentlemen, whether you or any man can doubt, that this murder was committed by the persons who were thus in and about Brown Street? Can any person doubt that they were there for purposes connected with this murder? If not for this purpose, what were they there for? When there is a cause so near at hand, why wander into conjecture for an explanation? Common sense requires you to take the nearest adequate cause for a known effect. Who were these suspicious persons in Brown Street? There was something extraordinary about them—something noticeable, and noticed at the time—something in their appearance that aroused suspicion. And a man is found the next morning murdered in the near vicinity.

Now, so long as no other account shall be given of those suspicious persons, so long the inference must remain irresistible, that they were the murderers. Let it be remembered, that it is already shown that this murder was the result of conspiracy, and of concert; let it be remembered, that the house, having been opened from within, was entered, by stealth, from without. Let it be remembered that Brown Street, where these persons were repeatedly seen, under such suspicious circumstances, was a place from which every occupied room in Mr. White's house was clearly seen; let it be remembered that the place, though thus very near to Mr. White's house, was a retired and lonely place; and let it be remembered that the instrument of death was afterward found concealed, very near the same spot.

Must not every man come to the conclusion, that these persons, thus seen in Brown Street, were the murderers? Every man's own judgment, I think, must satisfy him that this must be so. It is a plain deduction of common sense. It is a point, on which each one of you may reason like a Hale, or a Mansfield. The two occurrences explain each other. The murder shows why these persons were thus lurking, at that hour, in Brown Street; and their lurking in Brown Street, shows who committed the murder.

If, then, the persons in and about Brown Street were the plotters and executors of the murder of Captain White, we know who they were, and you know that *there* is one of them.

This fearful concatenation of circumstances puts him to an account. He was a conspirator. He had entered into this plan of murder. The murder is committed, and he is known to have been within three minutes' walk of the place. He must account for himself. He has attempted this, and failed. Then, with all these general reasons to show he was actually in Brown Street, and his failures in his ALIBI, let us see what is the direct proof of his being there. But first, let me ask, is it not very remarkable, that there is no attempt to show where Richard Crowninshield, Jr. was on that night? We hear nothing of him. He was seen in none of his usual haunts, about the town. Yet, if he was the actual perpetrator of the murder, which nobody doubts, he was in the town, somewhere. Can you, therefore, entertain a doubt, that he was one of the persons seen in Brown Street? And as to the prisoner, you will recollect, that since the testimony of the young men has failed to show where he was that evening, the last we hear or know of him, on the day preceding the murder, is, that at four o'clock P.M. he was at his brother's, in Wenham. He had left home, after dinner, in a manner

doubtless designed to avoid observation, and had gone to Wenham, probably by way of Danvers. As we hear nothing of him, after four o'clock P.M. for the remainder of the day and evening; as he was one of the conspirators; as Richard Crowninshield, Jr. was another; as Richard Crowninshield, Jr. was in town in the evening, and yet seen in no usual place of resort, the inference is very fair that Richard Crowninshield, Jr. and the prisoner were together, acting in execution of their conspiracy. Of the four conspirators, J. J. Knapp, Jr. was at Wenham, and George Crowninshield has been accounted for; so that if the persons seen in Brown Street, were the murderers, one of them must have been Richard Crowninshield, Jr. and the other must have been the prisoner at the bar. Now, as to the proof of his identity with one of the persons seen in Brown Street.

Mr. Mirick, a cautious witness, examined the person he saw, closely, in a light night, and says that he thinks the prisoner at the bar is the same person; and that he should not hesitate at all, if he were seen in the same dress. His opinion is formed, partly from his own observation, and partly from the description of others. But this description turns out to be only in regard to the dress. It is said, that he is now more confident, than on the former trial. If he has varied in his testimony, make such allowance as you may think proper. I do not perceive any material variance. He thought him the same person, when he was first brought to court, and as he saw him get out of the chaise. This is one of the cases, in which a witness is permitted to give an opinion. This witness is as honest as yourselves—neither willing nor swift; but he says, he believes it was the man—"this is my opinion;" and this it is proper for him to give. If partly founded on what he has *heard*, then his opinion is not to be taken; but, if on what he *saw*, then you can

have no better evidence. I lay no stress on similarity of dress. No man will ever be hanged by my voice on such evidence. But then it is proper to notice, that no inferences drawn from any *dissimilarity* of dress, can be given in the prisoner's favor; because, in fact, the person seen by Mirick was dressed like the prisoner.

The description of the person seen by Mirick answers to that of the prisoner at the bar. In regard to the supposed discrepancy of statements, before and now, there would be no end to such minute inquiries. It would not be strange if witnesses should vary. I do not think much of slight shades of variation. If I believe the witness is honest, that is enough. If he has expressed himself more strongly now than then, this does not prove him false.

Peter E. Webster saw the prisoner at the bar, as he then thought, and still thinks, walking in Howard Street at half-past nine o'clock. He then thought it was Frank Knapp, and has not altered his opinion since. He knew him well; he had long known him. If he then thought it was he, this goes far to prove it. He observed him the more, as it was unusual to see gentlemen walk there at that hour. It was a retired, lonely street. Now, is there reasonable doubt that Mr. Webster did see him there that night? How can you have more proof than this? He judged by his walk, by his general appearance, by his deportment. We all judge in this manner. If you believe he is right, it goes a great way in this case. But then this person it is said had a cloak on, and that he could not, therefore, be the same person that Mirick saw. If we were treating of men that had no occasion to disguise themselves or their conduct, there might be something in this argument. But as it is, there is little in it. It may be presumed that they would change their dress. This would help their disguise. What is easier than to throw off a cloak, and again put it

on? Perhaps he was less fearful of being known when alone, than when with the perpetrator.

Mr. Southwick swears all that a man can swear. He has the best means of judging that could be had at the time. He tells you that he left his father's house at half-past ten o'clock, and as he passed to his own house in Brown Street, he saw a man sitting on the steps of the ropewalk, &c. &c.—that he passed him three times, and each time he held down his head, so that he did not see his face. That the man had on a cloak, which was not wrapped around him, and a glazed cap. That he took the man to be Frank Knapp at the time; that when he went into his house, he told his wife that he thought it was Frank Knapp; that he knew him well, having known him from a boy. And his wife swears that he did so tell her at the time. What could mislead this witness at the time? He was not then suspecting Frank Knapp of any thing. He could not then be influenced by any prejudice. If you believe that the witness saw Frank Knapp in this position, at this time, it proves the case. Whether you believe it or not, depends upon the credit of the witness. He swears it. If true, it is solid evidence. Mrs. Southwick supports her husband. Are they true? Are they worthy of belief? If he deserves the epithets applied to him, then he ought not to be believed. In this fact, they cannot be mistaken: they are right, or they are perjured. As to his not speaking to Frank Knapp, that depends upon their intimacy. But a very good reason is, Frank chose to disguise himself. This makes nothing against his credit. But it is said that he should not be believed. And why? Because, it is said, he himself now tells you that when he testified before the grand jury at Ipswich, he did not then say that he thought the person he saw in Brown Street was Frank Knapp, but that "the person was about the size of Selman." The

means of attacking him, therefore, come from himself. If he is a false man, why should he tell truths against himself? they rely on his veracity to prove that he is a liar. Before you can come to this conclusion, you will consider, whether all the circumstances are now known, that should have a bearing on this point. Suppose that when he was before the grand jury he was asked by the attorney this question, "Was the person you saw in Brown Street about the size of Selman?" and he answered, yes. This was all true. Suppose also that he expected to be inquired of further, and no further questions were put to him. Would it not be extremely hard to impute to him perjury for this? It is not uncommon for witnesses to think that they have done all their duty, when they have answered the questions put to them? But suppose that we admit, that he did not then tell all he knew, this does not affect the *fact* at all; because he did tell, at the time, in the hearing of others, that the person he saw was Frank Knapp. There is not the slightest suggestion against the veracity or accuracy of Mrs. Southwick. Now, she swears positively, that her husband came into the house and told her that he had seen a person on the ropewalk steps, and believed it was Frank Knapp.

It is said that Mr. Southwick is contradicted, also, by Mr. Shillaber. I do not so understand Mr. Shillaber's testimony. I think what they both testify is reconcilable and consistent. My learned brother said, on a similar occasion, that there is more probability in such cases that the persons hearing should misunderstand, than that the person speaking should contradict himself. I think the same remarks applicable here.

You have all witnessed the uncertainty of testimony, when witnesses are called to testify what other witnesses said. Several respectable counsellors have been called on,

on this occasion, to give testimony of that sort. They have, every one of them, given different versions. They all took minutes at the time, and without doubt intend to state the truth. But still they differ. Mr. Shillaber's version is different from every thing that Southwick has stated elsewhere. But little reliance is to be placed on slight variations in testimony, unless they are manifestly intentional. I think that Mr. Shillaber must be satisfied that he did not rightly understand Mr. Southwick. I confess I misunderstood Mr. Shillaber on the former trial, if I now rightly understand him. I therefore did not then recall Mr. Southwick to the stand. Mr. Southwick, as I read it, understood Mr. Shillaber as asking him about a person coming out of Newbury Street, and whether, for aught he knew, it might not be Richard Crowninshield, Jr. He answered that he could not tell. He did not understand Mr. Shillaber as questioning him as to the person whom he saw sitting on the steps of the ropewalk. Southwick, on this trial, having heard Mr. Shillaber, has been recalled to the stand, and states that Mr. Shillaber entirely misunderstood him. This is certainly most probable, because the controlling fact in the case is not controverted—that is, that Southwick did tell his wife, at the very moment he entered his house, that he had seen a person on the ropewalk steps, whom he believed to be Frank Knapp. Nothing can prove, with more certainty than this, that Southwick, at the time, *thought* the person whom he thus saw to be the prisoner at the bar.

Mr. Bray is an acknowledged accurate and intelligent witness. He was highly complimented by my brother on the former trial, although he now charges him with varying his testimony. What could be his motive? You will be slow in imputing to him any design of this kind. I deny altogether that there is any contradiction. There

may be differences, but not contradiction. These arise from the difference in the questions put—the difference between *believing* and *knowing*. On the first trial, he said he did not *know* the person, and now says the same. Then we did not do all we had a right to do. We did not ask him who he *thought* it was. Now, when so asked, he says he *believes* it was the prisoner at the bar. If he had then been asked this question, he would have given the same answer. That he has expressed himself stronger, I admit; but he has not contradicted himself. He is more confident now; and that is all. A man may not assert a thing, and still not have any doubt upon it. Cannot every man see this distinction to be consistent? I leave him in that attitude; that only is the difference. On questions of identity, opinion is evidence. We may ask the witness either if he *knew* who the person seen was, or who he *thinks* he was. And he may well answer, as Captain Bray has answered, that he does not *know* who it was, but that he *thinks* it was the prisoner.

We have offered to produce witnesses to prove that as soon as Bray saw the prisoner, he pronounced him the same person. We are not at liberty to call them to corroborate our own witness. How then could this fact of prisoner's being in Brown Street be better proved? If ten witnesses had testified to it, it would be no better. Two men, who knew him well, took it to be Frank Knapp, and one of them so said, when there was nothing to mislead them. Two others, that examined him closely, now swear to their opinion that he is the man.

Miss Jaqueth saw three persons pass by the ropewalk, several evenings before the murder. She saw one of them pointing toward Mr. White's house. She noticed that another had something which appeared to be like an instrument of music; that he put it behind him, and

attempted to conceal it. Who were these persons? This was but a few steps from the place where this apparent instrument of music (of *music* such as Richard Crowninshield, Jr. spoke of to Palmer) was afterward found. These facts prove this a point of rendezvous for these parties. They show Brown Street to have been the place for consultation and observation; and to this purpose it was well suited.

Mr. Burns's testimony is also important. What was the defendant's object in his private conversation with Burns? He knew that Burns was out that night; that he lived near Brown Street, and that he had probably seen him; and he wished him to say nothing. He said to Burns, "If you saw any of your friends out that night, say nothing about it. My brother Jo and I are your friends." This is plain proof that he wished to say to him, If you saw me in Brown Street that night, say nothing about it.

But it is said that Burns ought not to be believed, because he mistook the color of the dagger, and because he has varied in his description of it. These are slight circumstances, if his general character be good. To my mind they are of no importance. It is for you to make what deduction you may think proper, on this account, from the weight of his evidence. His conversation with Burns, if Burns is believed, shows two things: first, that he desired Burns not to mention it, if he had seen him on the night of the murder; second, that he wished to fix the charge of murder on Mr. Stephen White. Both of these prove his own guilt.

I think you will be of opinion, gentlemen, that Brown Street was a *probable place* for the conspirators to assemble, and for an aid to be. If we knew their whole plan, and if we were skilled to judge in such a case, then we

could perhaps determine on this point better. But it is a retired place, and still commands a full view of the house; —a lonely place, but still a place of observation. Not so lonely that a person would excite suspicion to be seen walking there in an ordinary manner;—not so public as to be noticed by many. It is near enough to the scene of action in point of law. It was their point of *centrality.* The club was found near the spot—in a place provided for it—in a place that had been previously hunted out—in a concerted place of concealment. *Here was their point of rendezvous;* here might the lights be seen; here might an aid be secreted; here was he within call; here might he be aroused by the sound of the *whistle;* here might he carry the weapon; here might he receive the murderer after the murder.

Then, gentlemen, the general question occurs, is it satisfactorily proved, by all these facts and circumstances, that the defendant was in and about Brown Street, on the night of the murder? Considering, that the murder was effected by a conspiracy;—considering, that he was one of the four conspirators;—considering, that two of the conspirators have accounted for themselves, on the night of the murder, and were not in Brown Street;—considering, that the prisoner does not account for himself, nor show where he was;—considering, that Richard Crowninshield, the other conspirator, and the perpetrator, is not accounted for, nor shown to be elsewhere;—considering, that it is now past all doubt that two persons were seen in and about Brown Street, at different times, lurking, avoiding observation, and exciting so much suspicion that the neighbors actually watched them;—considering, that if these persons, thus lurking in Brown Street, at that hour, were not the murderers, it remains, to this day, wholly unknown who they were, or what their business was;—considering

the testimony of Miss Jaqueth, and that the club was afterward found near this place; considering, finally, that Webster and Southwick saw these persons, and then took one of them for the defendant, and that Southwick then told his wife so, and that Bray and Mirick examined them closely, and now swear to their belief that the prisoner was one of them; it is for you to say, putting these considerations together, whether you believe the prisoner was actually in Brown Street, at the time of the murder.

By the counsel for the defendant, much stress has been laid upon the question, whether Brown Street was a place in which aid could be given? a place in which actual assistance could be rendered in this transaction? This must be mainly decided, by their own opinion who selected the place; by what they thought at the time, according to their plan of operation.

If it was agreed that the prisoner should be there to assist, it is enough. If they thought the place proper for their purpose, according to their plain, it is sufficient.

Suppose we could prove expressly, that they agreed that Frank should be there, and he was there; and you should think it not a well-chosen place, for aiding and abetting, must he be acquitted? No!—it is not what *I* think, or *you* think, of the appropriateness of the place—it is what *they* thought *at the time.*

If the prisoner was in Brown Street, by appointment and agreement with the perpetrator, for the purpose of giving assistance, if assistance should be needed, it may safely be presumed that the place was suited to such assistance as it was supposed by the parties might chance to become requisite.

If in Brown Street, was he there by appointment? was he there to aid, if aid were necessary? was he there for, or

against the murderer? to concur, or to oppose? to favor, or to thwart? Did the perpetrator know he was there—there waiting? If so, then it follows, he was there by appointment. He was at the post, half an hour; he was waiting for somebody. This proves *appointment—arrangement—previous* agreement; then it follows, he was there to aid,—to encourage,—to embolden the perpetrator; and that is enough. If he were in such a situation as to afford aid, or that he was relied upon for aid,—then he was aiding and abetting. It is enough that the conspirators desired to have him there. Besides, it may be well said, that he could afford just as much aid there, as if he had been in Essex Street—as if he had been standing even at the gate, or at the window. It was not an act of power against power that was to be done,—it was a secret act, to be done by stealth. The aid was to be placed in a position secure from observation. It was important to the security of both, that he should be in a lonely place. Now, it is obvious, that there are many purposes for which he might be in Brown Street.

1. Richard Crowninshield might have been secreted in the garden, and waiting for a signal.

2. Or he might be in Brown Street, to advise him as to the time of making his entry into the house.

3. Or to favor his escape.

4. Or to see if the street was clear when he came out.

5. Or to conceal the weapon or the clothes.

6. To be ready for any other unforeseen contingency.

Richard Crowninshield lived in Danvers—he would retire the most secret way. Brown Street is that way; if you find him there, can you doubt why he was there?

If, gentlemen, the prisoner went into Brown Street, by appointment with the perpetrator, to render aid or encouragement, in any of these ways, he was *present*, in

legal contemplation, aiding and abetting in this murder. It is not necessary that he should have done any thing; it is enough, that he was ready to act, and in a place to act. If his being in Brown Street, by appointment, at the time of the murder, emboldened the purpose and encouraged the heart of the murderer, by the hope of instant aid, if aid should become necessary, then, without doubt, he was present, aiding and abetting, and was a principal in the murder.

I now proceed, gentlemen, to the consideration of the testimony of Mr. Colman. Although this evidence bears on every material part of the cause, I have purposely avoided every comment on it, till the present moment, when I have done with the other evidence in the case. As to the admission of this evidence, there has been a great struggle, and its importance demanded it. The general rule of law is, that confessions are to be received as evidence. They are entitled to great or to little consideration, according to the circumstances under which they are made. Voluntary, deliberate confessions are the most important and satisfactory evidence. But confessions hastily made, or improperly obtained, are entitled to little or no consideration. It is always to be inquired, whether they were purely voluntary, or were made under any undue influence of *hope* or *fear;* for, in general, if any influence were exerted on the mind of the person confessing, such confessions are not to be submitted to a jury.

Who is Mr. Colman? He is an intelligent, accurate, and cautious witness. A gentleman of high and well-known character; and of unquestionable veracity. As a clergyman, highly respectable; as a man, of fair name and fame.

Why was Mr. Colman with the prisoner? Joseph J. Knapp was his parishioner; he was the head of a family,

and had been married by Mr. Colman. The interests of his family were dear to him. He felt for their afflictions, and was anxious to alleviate their sufferings. He went from the purest and best of motives to visit Joseph Knapp. He came to save, not to destroy; to rescue, not to take away life. In this family, he thought there might be a chance to save one. It is a misconstruction of Mr. Colman's motives, at once the most strange and the most uncharitable, a perversion of all just views of his conduct and intentions, the most unaccountable, to represent him as acting, on this occasion, in hostility to any one, or as desirous of injuring or endangering any one. He has stated his own motives, and his own conduct, in a manner to command universal belief, and universal respect. For intelligence, for consistency, for accuracy, for caution, for candor, never did witness acquit himself better, or stand fairer. In all that he did, as a man, and all he has said, as a witness, he has shown himself worthy of entire regard.

Now, gentlemen, very important confessions made by the prisoner, are sworn to by Mr. Colman. They were made in the prisoner's cell, where Mr. Colman had gone with the prisoner's brother, N. P. Knapp. Whatever conversation took place, was in the presence of N. P. Knapp. Now, on the part of the prisoner, two things are asserted; first, that such inducements were suggested to the prisoner, in this interview, that any confessions by him ought not to be received. Second, that, in point of fact, he made no such confessions, as Mr. Colman testifies to, nor, indeed, any confessions at all. These two propositions are attempted to be supported by the testimony of N. P. Knapp. These two witnesses, Mr. Colman and N. P. Knapp, differ entirely. There is no possibility of reconciling them. No charity can cover both. One or the other has sworn falsely. If N. P. Knapp be believed, Mr. Colman's testimony must be wholly

disregarded. It is, then, a question of credit, a question of belief, between the two witnesses. As you decide between these, so you will decide on all this part of the case.

Mr. Colman has given you a plain narrative, a consistent account, and has uniformly stated the same things. He is not contradicted by any thing in the case, except Phippen Knapp. He is influenced, as far as we can see, by no bias, or prejudice, any more than other men, except so far as his character is now at stake. He has feelings on this point, doubtless, and ought to have. If what he has stated be not true, I cannot see any ground for his escape. If he be a true man, he must have heard what he testifies. No treachery of memory brings to memory things that never took place. There is no reconciling his evidence with good intention, if the facts are not as he states them. He is on trial as to his veracity.

The relation in which the other witness stands, deserves your careful consideration. He is a member of the family. He has the lives of two brothers depending, as he may think, on the effect of his evidence; depending on every word he speaks. I hope he has not another responsibility resting upon him. By the advice of a friend, and that friend Mr. Colman, J. Knapp made a full and free confession, and obtained a promise of pardon. He has since, as you know, probably by the advice of other friends, retracted that confession, and rejected the offered pardon. Events will show, who of these friends and advisers advised him best, and befriended him most. In the mean time, if this brother, the witness, be one of these advisers, and advised the retraction, he has, most emphatically, the lives of his brothers resting upon his evidence and upon his conduct. Compare the situation of these two witnesses. Do you not see mighty motive enough on the one side, and

want of all motive on the other? I would gladly find an apology for that witness, in his agonized feelings,—in his distressed situation;—in the agitation of that hour, or of this. I would gladly impute it to error, or to want of recollection, to confusion of mind, or disturbance of feeling. I would gladly impute to any pardonable source, that which cannot be reconciled to facts, and to truth; but, even in a case calling for so much sympathy, justice must yet prevail, and we must come to the conclusion, however reluctantly, which that demands from us.

It is said, Phippen Knapp was probably correct, because he knew he should be called as a witness. Witness—to what? When he says there was no confession, what could he expect to bear witness of? But I do not put it on the ground that he did not hear; I am compelled to put it on the other ground—that he did hear, and does not now truly tell what he heard.

If Mr. Colman were out of the case, there are other reasons why the story of Phippen Knapp should not be believed. It has in it inherent improbabilities. It is unnatural, and inconsistent with the accompanying circumstances. He tells you that they went "to the cell of Frank, to see if he had any objection to taking a trial, and suffering his brother to accept the offer of pardon:" in other words, to obtain Frank's consent to Joseph's making a confession; and in case this consent was not obtained, that the pardon would be offered to Frank, &c. Did they bandy about the chance of life, between these two, in this way? Did Mr. Colman, after having given this pledge to Joseph, after having received a disclosure from Joseph, go to the cell to Frank for such a purpose as this? It is impossible; it cannot be so.

Again: we know that Mr. Colman found the club the next day; that he went directly to the place of deposit,

and found it at the first attempt,—exactly where he says he had been informed it was. Now, Phippen Knapp says that Frank had stated nothing respecting the club, that it was not mentioned in that conversation. He says, also, that he was present in the cell of Joseph all the time that Mr. Colman was there, that he believes he heard all that was said in Joseph's cell; and that he did not himself know where the club was, and never had known where it was, until he heard it stated in court. Now, it is certain, that Mr. Colman says he did not learn the particular place of deposit of the club from Joseph; that he only learned from him that it was deposited under the steps of the Howard Street meeting-house, without defining the particular steps. It is certain, also, that he had more knowledge of the position of the club than this—else how could he have placed his hand on it so readily? and where else could he have obtained his knowledge, except from Frank? [Here Mr. Dexter said that Mr. Colman had had other interviews with Joseph, and might have derived the information from him at previous visits. Mr. Webster replied, that Mr. Colman had testified that he learned nothing in relation to the club until this visit. Mr. Dexter denied there being any such testimony. Mr. Colman's evidence was then read from the notes of the judges, and several other persons, and Mr. Webster then proceeded.] My point is, to show that Phippen Knapp's story is not true, is not consistent with itself. That taking it for granted, as he says, that he heard all that was said to Mr. Colman in both cells, by Joseph, and by Frank; and that Joseph did not state particularly where the club was deposited; and that he knew as much about the place of deposit of the club, as Mr. Colman knew; why then, Mr. Colman must either have been miraculously informed respecting the club, or Phippen Knapp has not told you

the whole truth. There is no reconciling this, without supposing Mr. Colman has misrepresented what took place in Joseph's cell, as well as what took place in Frank's cell.

Again, Phippen Knapp is directly contradicted by Mr. Wheatland. Mr. Wheatland tells the same story as coming from Phippen Knapp, as Mr. Colman now tells. Here there are two against one. Phippen Knapp says that Frank made no confessions, and that he said he had none to make. In this he is contradicted by Wheatland. He, Phippen Knapp, told Wheatland, that Mr. Colman did ask Frank some questions, and that Frank answered them. He told him also what these answers were. Wheatland does not recollect the questions or answers, but recollects his reply; which was, "Is not this *premature?* I think this answer is sufficient to make Frank a principal." Here Phippen Knapp opposes himself to Wheatland, as well as to Mr. Colman. Do you believe Phippen Knapp, against these two respectable witnesses—or them against him?

Is not Mr. Colman's testimony credible, natural, and proper? To judge of this, you must go back to that scene.

The murder had been committed; the two Knapps were now arrested; four persons were already in jail supposed to be concerned in it,—the Crowninshields and Selman and Chase. Another person to the eastward was supposed to be in the plot; it was important to learn the facts. To do this, some one of those suspected must be admitted to turn State's witness. The contest was, *who should have this privilege?* It was understood that it was about to be offered to Palmer, then in Maine: there was no good reason why he should have the preference. Mr. Colman felt interested for the family of the Knapps, and particularly for Joseph. He was a young man who had

hitherto sustained a fair standing in society; he was a husband. Mr. Colman was particularly intimate with his family. With these views he went to the prison. He believed that he might safely converse with the prisoner, because he thought confessions made to a clergyman were sacred, and that he could not be called upon to disclose them. He went, the first time, in the morning, and was requested to come again. He went again at three o'clock; and was requested to call again at five o'clock. In the mean time he saw the father and Phippen, and they wished he would not go again, because it would be said the prisoners were making confession. He said he had engaged to go again at five o'clock; but would not, if Phippen would excuse him to Joseph. Phippen engaged to do this, and to meet him at his office at five o'clock. Mr. Colman went to the office at the time, and waited; but as Phippen was not there, he walked down street and saw him coming from the jail. He met him, and while in conversation, near the church, he saw Mrs. Beckford and Mrs. Knapp, going in a chaise toward the jail. He hastened to meet them, as he thought it not proper for them to go in at that time. While conversing with them near the jail, he received two distinct messages from Joseph, that he wished to see him. He thought it proper to go: he then went to Joseph's cell, and while there it was that the disclosures were made. Before Joseph had finished his statement, Phippen came to the door; he was soon after admitted. A short interval ensued, and they went together to the cell of Frank. Mr. Colman went in by invitation of Phippen: he had come directly from the cell of Joseph, where he had for the first time learned the incidents of the tragedy. He was incredulous as to some of the facts which he had learned, they were so different from his previous impressions. He was desirous of know-

ing whether he could place confidence in what Joseph had told him—he therefore put the questions to Frank, as he has testified before you; in answer to which, Frank Knapp informed him,

1. "That the murder took place between ten and eleven o'clock."

2. "That Richard Crowninshield was alone in the house."

3. "That he, Frank Knapp, went home afterward."

4. "That the club was deposited under the steps of the Howard Street meeting-house, and under the part nearest the burying-ground, in a rat-hole," &c.

5. "That the dagger or daggers had been worked up at the factory."

It is said that these five answers just fit the case; that they are just what was wanted, and neither more nor less. True, they are, but the reason is, because truth always fits; truth is always congruous, and agrees with itself. Every truth in the universe agrees with every other truth in the universe; whereas falsehoods not only disagree with truths, but usually quarrel among themselves. Surely Mr. Colman is influenced by no bias—no prejudice; he has no feelings to warp him—except now, he is contradicted, he may feel an interest to be believed.

If you believe Mr. Colman, then the evidence is fairly in the case.

I shall now proceed on the ground that you do believe Mr. Colman.

When told that Joseph had determined to confess, the defendant said, "It is hard, or unfair, that Joseph should have the benefit of confessing, since the thing was done for his benefit." What thing was done for his benefit? Does not this carry an implication of the guilt of the defendant?

Does it not show that he had a knowledge of the object and history of the murder?

The defendant said, "he told Joseph, when he proposed it, that it was a silly business, and would get us into trouble." He knew, then, what this business was; he knew that Joseph proposed it, and that he agreed to it, else he could not get *us* into trouble; he understood its bearing, and its consequences. Thus much was said under circumstances, that make it clearly evidence against him, before there is any pretence of an inducement held out. And does not this prove him to have had a knowledge of the conspiracy?

He knew the daggers had been destroyed, and he knew who committed the murder. How could he have innocently known these facts? Why, if by Richard's story, this shows him guilty of a knowledge of the murder, and of the conspiracy. More than all, he knew *when* the deed was done, and that *he* went home *afterward.* This shows his participation in that deed. "Went home afterward."—Home, *from what scene?*—home, *from what fact?*—home, *from what transaction?*—home, *from what place?* This confirms the supposition that the prisoner was in Brown Street for the purposes ascribed to him. These questions were directly put, and directly answered. He does not intimate that he received the information from another. Now, if he knows the time, and went home afterward, and does not excuse himself,—is not this an admission that he had a hand in this murder? Already proved to be a conspirator in the murder, he now confesses that he knew who did it—at what time it was done, was himself out of his own house at the time, and went home afterward. Is not this conclusive, if not explained? Then comes the club. He told where it was. This is like possession of stolen goods. He is charged with the guilty knowledge of this concealment.

He must *show*, not *say*, how he came by this knowledge. If a man be found with stolen goods, he must *prove* how he came by them. The place of deposit of the club was premeditated and selected, and he knew where it was.

Joseph Knapp was an accessory, and accessory only; he knew only what was told him. But the prisoner knew the particular spot in which the club might be found. This shows his knowledge something more than that of an accessory.

This presumption must be rebutted by evidence, or it stands strong against him. He has too much knowledge of this transaction, to have come innocently by it. It must stand against him until he explains it.

This testimony of Mr. Colman is represented as new matter, and therefore an attempt has been made to excite a prejudice against it. It is not so. How little is there in it, after all, that did not appear from other sources! It is mainly confirmatory. Compare what you learn from this confession, with what you before knew.

As to its being proposed by Joseph: was not that true?

As to Richard's being alone, &c. in the house: was not that true?

As to the daggers: was not that true?

As to the time of the murder: was not that true?

As to his being out that night: was not that true?

As to his returning afterward: was not that true?

As to the club: was not that true?

So this information confirms what was known before, and fully confirms it.

One word, as to the interview between Mr. Colman and Phippen Knapp on the turnpike. It is said that Mr. Colman's conduct in this matter is inconsistent with his testimony. There does not appear to me to be any inconsistency. He tells you that his object was to save Joseph,

and to hurt no one; and least of all the prisoner at the bar. He had, probably, told Mr. White the substance of what he heard at the prison. He had probably told him that Frank *confirmed* what Joseph had *confessed*. He was unwilling to be the instrument of harm to Frank. He therefore, at the request of Phippen Knapp, wrote a note to Mr. White, requesting him to consider Joseph as authority for the information he had received. He tells you that this is the only thing he has to regret; as it may seem to be an evasion,—as he doubts whether it was entirely correct. If it was an evasion, if it was a deviation, if it was an error, it was an error of mercy; an error of kindness; an error that proves he had no hostility to the prisoner at the bar. It does not in the least vary his testimony, or affect its correctness. Gentlemen, I look on the evidence of Mr. Colman as highly important; not as bringing into the cause new facts, but as confirming, in a very satisfactory manner, other evidence. It is incredible, that he can be false, and that he is seeking the prisoner's life through false swearing. If he is true, it is incredible that the prisoner can be innocent.

Gentlemen, I have gone through with the evidence in this case, and have endeavored to state it plainly and fairly, before you. I think there are conclusions to be drawn from it, which you cannot doubt. I think you cannot doubt, that there was a conspiracy formed for the purpose of committing this murder, and who the conspirators were.

That you cannot doubt, that the Crowninshields and the Knapps were the parties in this conspiracy.

That you cannot doubt, that the prisoner at the bar knew that the murder was to be done on the night of the 6th of April.

That you cannot doubt, that the murderers of Captain

White were the suspicious persons seen in and about Brown Street on that night.

That you cannot doubt, that Richard Crowninshield was the perpetrator of that crime.

That you cannot doubt, that the prisoner at the bar was in Brown Street on that night.

If there, then it must be by agreement—to countenance, to aid the perpetrator. And if so, then he is guilty as PRINCIPAL.

Gentlemen, your whole concern should be to do your duty, and leave consequences to take care of themselves. You will receive the law from the court. Your verdict, it is true, may endanger the prisoner's life; but then it is to save other lives. If the prisoner's guilt has been shown and proved beyond all reasonable doubt, you will convict him. If such reasonable doubts of guilt still remain, you will acquit him. You are the judges of the whole case. You owe a duty to the public, as well as to the prisoner at the bar. You cannot presume to be wiser than the law. Your duty is a plain, straight-forward one. Doubtless, we would all judge him in mercy. Toward him, as an individual, the law inculcates no hostility; but toward him, if proved to be a murderer, the law, and the oaths you have taken, and public justice, demand that you do your duty.

With consciences satisfied with the discharge of duty, no consequences can harm you. There is no evil that we cannot either face or fly from, but the consciousness of duty disregarded.

A sense of duty pursues us ever. It is omnipresent, like the Deity. If we take to ourselves the wings of the morning and dwell in the utmost parts of the seas, duty performed, or duty violated, is still with us, for our happiness, or our misery. If we say the darkness shall

cover us, in the darkness as in the light, our obligations are yet with us. We cannot escape their power, nor fly from their presence. They are with us in this life, will be with us at its close; and in that scene of inconceivable solemnity, which lies yet farther onward, we shall still find ourselves surrounded by the consciousness of duty, to pain us wherever it has been violated, and to console us so far as God may have given us grace to perform it.

ARGUMENT OF MR. WEBSTER

IN THE GOODRIDGE CASE

THIS argument was addressed to a jury in April, 1817, on the occasion of the trial of Levi and Laban Kenniston, in the Supreme Judicial Court of the Commonwealth of Massachusetts, held at Ipswich, in the county of Essex, for an alleged assault and robbery by Levi and Laban, on the person of Major Elijah Putnam Goodridge, of Bangor, Maine.

It was true (Mr. Webster said) that the offence charged was not capital; but perhaps this could hardly be considered as favorable to the defendants. To those who are guilty, and without hope of escape, no doubt the lightness of the penalty of transgression gives consolation. But if the defendants were innocent, it was more natural for them to be thinking upon what they had lost, by that alteration of the law which had left highway robbery no longer capital, than upon what the guilty might gain by it. They had lost those great privileges, in their trial, which the law allows, in capital cases, for the protection of innocence against unfounded accusation. They have lost the right of being previously furnished with a copy of the indictment, and a list of the Government's witnesses. They have lost the right of peremptory challenge; and, notwithstanding the prejudices which they know have been excited against them, they must show legal cause of challenge, in each individual

call, or else take the jury as they find it. They have lost the benefit of the assignment of counsel by the court. They have lost the benefit of the Commonwealth's process to bring in witnesses in their behalf. When to these circumstances it was added that they were strangers, in a great degree without friends, and without the means for preparing their defence, it was evident they must take their trial under great disadvantages.

Mr. Webster then called the attention of the jury to those circumstances which he thought could not but cast doubts on the story of the prosecutor.

In the first place, it was impossible to believe a robbery of this sort to have been committed by three or four men, without previous arrangement and concert, and of course without the knowledge of the fact that Goodridge would be there, and that he had money. They did not go on the highway, in such a place, in a cold December's night, for the general purpose of attacking the first passenger, running the chance of his being somebody who had money. It was not easy to believe that a gang of robbers existed, that they acted systematically, communicating intelligence to one another, and meeting and dispersing as occasion required, and that this gang had their head-quarters in such a place as Newburyport. No town is more distinguished for the correctness of the general habits of its citizens; and it is of such a size that every man in it may be known to all the rest. The pursuits, occupations, and habits of every person within it are within the observation of his neighbors. A suspicious stranger would be instantly observed, and all his movements could be easily traced. This is not the place to be the general rendezvous of a gang of robbers. Offenders of this sort hang on the skirts of great cities. From the commission of their crimes they hasten into the crowd, and hide themselves in the populousness of

great cities. If it were wholly improbable that a gang existed in such a place for the purpose of general plunder, the next inquiry was, Was there any reason to think that there had been a special or particular combination, for the single purpose of robbing the prosecutor? Now, it was material to observe, that not only was there no evidence of any such combination, but also that circumstances did exist which rendered it next to impossible that the defendants could have been parties to such a combination, or even that they could have any knowledge of the existence of any such man as Goodridge, or that any person, with money, was expected to come from the eastward, and to be near Essex bridge, at or about nine o'clock that evening.

One of the defendants had been for some weeks in Newburyport—the other passed the bridge from New Hampshire, at twelve o'clock, on the 19th. At this time, Goodridge had not yet arrived at Exeter, twelve or fourteen miles from the bridge. How, then, could either of the defendants know that he was coming? Besides, he says that nobody knew, on the road, that he had money, as far as he knows, and nothing happened till he reached Exeter, according to his account, from which it might be conjectured that he carried money. Here, as he relates it, it became known that he had pistols; and he must wish you to infer, that the plan to rob him was laid here, at Exeter, by some of the persons who inferred that he had money from his being armed. Who were these persons? Certainly not the defendants, or either of them. Certainly not Taber. Certainly not Jackman. Were they persons of suspicious character? Was he in a house of a suspicious character? On this point he gives us no information. He has either not taken the pains to inquire, or he chooses not to communicate the result of his inquiries. Yet nothing could be more important, since he

seems compelled to lay the scene of the plot against him at Exeter, than to know who the persons were that he saw, or that saw him, at that place. On the face of the facts now proved, nothing could be more improbable than that the plan of robbery was concerted at Exeter. If so, why should those who concerted send forward to Newburyport to engage the defendants, especially as they did not know that they were there? What should induce any persons so suddenly to apply to the defendants to assist in a robbery? There was nothing in their personal character or previous history that should induce this.

Nor was there time for all this. If the prosecutor had not lingered on the road, for reasons not yet discovered, he must have been in Newburyport long before the time at which he states the robbery to have been committed. How, then, could any one expect to leave Exeter, come to Newburyport, fifteen miles, there look out for and find out assistants for a highway robbery, and get back two miles to a convenient place for the commission of the crime? That anybody should have undertaken to act thus, was wholly improbable; and in point of fact there is not the least proof of anybody's travelling, that afternoon, from Exeter to Newburyport, or of any person who was at the tavern at Exeter having left it that afternoon. In all probability, nothing of this sort could have taken place without being capable of detection and proof. In every particular the prosecutor has wholly failed to show the least probability of a plan to rob him having been laid at Exeter.

But how comes it, that Goodridge was near or quite four hours and a half in travelling a distance which might have been travelled in two hours or two hours and a half? He says he missed his way, and went the Salisbury road. But some of the jury know, that this could not have

delayed him more than five or ten minutes. It would be well to be able to give some better account of this delay.

Failing, as he seems to do, to create any belief that a plan to rob him was fixed at Exeter, the prosecutor goes back to Alfred, and says he saw there a man whom Taber resembles. But Taber is proved to have been at that time, and at the time of the robbery, in Boston. This is proved beyond question. It is so certain, that the solicitor has *non prossed* the indictment against him.

There is an end, then, of all pretence of the adoption of a scheme of robbery at Alfred: this leaves the prosecutor altogether unable to point out any manner in which it should become known that he had money, or in which a design to rob him should originate.

It was next to be considered whether the prosecutor's story was either natural or consistent. But, in the threshold of the inquiry, every one puts the question, What motive had the prosecutor to be guilty of the abominable conduct of feigning a robbery? It is difficult to assign motives. The jury did not know enough of his character or circumstances. Such things had happened, and might happen again. Suppose he owed money in Boston, and had it not to pay? Who knows how high he might estimate the value of a plausible apology? Some men have also a whimsical ambition of distinction. There is no end to the variety of modes in which human vanity exhibits itself. A story of this nature excites the public sympathy. It attracts general attention. It causes the name of the prosecutor to be celebrated as a man who has been attacked, and, after a manly resistance, overcome by robbers, and who has renewed his resistance as soon as returning life and sensation enabled him, and, after a second conflict, has been

quite subdued, beaten and bruised out of all sense and sensation, and finally left for dead on the field. It is not easy to say how far such motives, trifling and ridiculous as most men would think them, might influence the prosecutor, when connected with any expectation of favor or indulgence, if he wanted such, from his creditors. It was to be remembered, that he probably did not see all the consequences of his conduct, if his robbery be a pretence. He might not intend to prosecute anybody. But he probably found, and indeed there is evidence to show, that it was necessary for him to do something to find out the authors of the alleged robbery. He manifested no particular zeal on this subject. He was in no haste. He appears rather to have been pressed by others to do that which we should suppose he would be most earnest to do, the earliest moment.

But could he so seriously wound himself? could he or would he shoot a pistol-bullet through his hand, in order to render the robbery probable, and to obtain belief in his story? All exhibitions are subject to accidents. Whether they are serious or farcical, they may, in some particulars, not proceed exactly as they are designed to do. If we knew that this shot through the hand, if made by himself, must have been intentionally made by himself, it would be a circumstance of greater weight. The bullet went through the sleeve of his coat. He might intend it should have gone through nothing else. It was quite certain he did not receive this wound in the way he described. He says he was pulling or thrusting aside the robber's pistol, and while his hand was on it, it was fired, and the contents passed through his hand. This could not have been so, because no part of the contents went through the hand, except the ball. There was powder on the sleeve of his coat, and from the appearance one would think the

pistol to have been three or four feet from the hand when fired. The fact of the pistol-bullet being fired through the hand is doubtless a circumstance of weight. It may not be easy to account for it; but it is to be weighed with other circumstances.

It was most extraordinary, that, in the whole case, the prosecutor should prove hardly any fact in any way but by his own oath. He chooses to trust every thing on his own credit with the jury. Had he the money with him, which he mentions? If so, his clerks or persons connected with him in business must have known it; yet no witness is produced. Nothing can be more important than to prove that he had the money. Yet he does not prove it. Why should he leave this essential fact without further support? He is not surprised with this defence: he knew what it would be. He knew that nothing could be more important than to prove that in truth he did possess the money which he says he lost; yet he does not prove it. All that he saw, and all that he did, and every thing that occurred to him until after the alleged robbery, rests solely on his own credit. He does not see fit to corroborate any fact by the testimony of any witness. So he went to New York to arrest Jackman. He did arrest him. He swears positively that he found in his possession papers which he lost at the time of the robbery; yet he neither produces the papers themselves, nor the persons who assisted in the search.

In like manner he represents his intercourse with Taber at Boston. Taber, he says, made certain confessions They made a bargain for a disclosure or confession on one side, and a reward on the other. But no one heard these confessions except Goodridge himself. Taber now confronts him, and pronounces this part of the story to be wholly false; and there is nobody who can support the prosecutor.

A jury cannot too seriously reflect on this part of the case. There are many most important allegations of fact, which, if true, could easily be shown by other witnesses, and yet are not so shown.

How came Mr. Goodridge to set out from Bangor, armed in this formal and formidable manner? How came he to be so apprehensive of a robbery? The reason he gives is completely ridiculous. As the foundation of his alarm, he tells a story of a robbery which he had heard of, but which, as far as appears, no one else ever heard of; and the story itself is so perfectly absurd, it is difficult to resist the belief that it was the product of his imagination at the moment. He seems to have been a little too confident that an attempt would be made to rob him. The manner in which he carried his money, as he says, indicated a strong expectation of this sort. His gold he wrapped in a cambric cloth, put it into a shot-bag, and then into his portmanteau. One parcel of bills, of a hundred dollars in amount, he put into his pocket-book; another, of somewhat more than a thousand dollars, he carried next his person, underneath all his clothes. Having disposed of his money in this way, and armed himself with two good pistols, he set out from Bangor. The jury would judge whether this extraordinary care of his money, and this formal arming of himself to defend it, did not appear a good deal suspicious.

He stated that he did not travel in the night; that he would not so much expose himself to robbers. He said that, when he came near Alfred, he did not go into the village, but stopped a few miles short, because night was coming on, and he would not trust himself and his money out at night. He represents himself to have observed this rule constantly and invariably until he got to Exeter. Yet, when the time came for the robbery, he was found out at night. He left Exeter about sunset, intending to go to

Newburyport, fifteen miles distant, that evening. When he is asked how this should happen, he says he had no fear of robbers after he left the District of Maine. He thought himself quite safe when he arrived at Exeter. Yet he told the jury that at Exeter he thought it necessary to load his pistol afresh. He asked for a private room at the inn. He told the persons in attendance that he wished such a room for the purpose of changing his clothes. He charged them not to suffer him to be interrupted. But he says his object was not to change his dress, but to put new loading into his pistol. What sort of a story is this?

He says he now felt himself out of all danger from robbers, and was therefore willing to travel at night. At the same time, he thought himself in very great danger from robbers, and therefore took the utmost pains to keep his pistols well loaded and in good order. To account for the pains he took about loading his pistols at Exeter, he says it was his invariable practice, every day after he left Bangor, to discharge and load again one or both of his pistols; that he never missed doing this; that he avoided doing it at the inns, lest he should create suspicion, but that he did it, while alone, on the road, every day.

How far this was probable the jury would judge. It would be observed that he gave up his habits of caution as he approached the place of the robbery. He then loaded his pistols at the tavern, where persons might and did see him; and he then also travelled in the night. He passed the bridge over Merrimack River a few minutes before nine o'clock. He was now at a part of his progress where he was within the observation of other witnesses, and something could be known of him besides what he told of himself. Immediately after him passed the two persons with their wagons—Shaw and Keyser. Close upon them followed the mail-stage. Now, these wagons and the stage

must have passed within three rods, at most, of Goodridge, at the very time of the robbery. They must have been very near the spot, the very moment of the attack; and if he was under the robbers' hands as long as he represents, or if they stayed on the spot long enough to do half what he says they did do, they must have been there when the wagons and the stage passed. At any rate, it is next to impossible, by any computation of time, to put these carriages so far from the spot, as that the drivers should not have heard the cry of murder, which he says he raised, or the report of the two pistols, which he says were discharged. In three-quarters of an hour, or an hour, he returned, and repassed the bridge.

The jury would next naturally look to the appearances exhibited on the field, after the robbery. The portmanteau was there. The witnesses say, that the straps which fastened it to the saddle had been neither cut nor broken. They were carefully unbuckled. This was very considerate for robbers. It had been opened, and its contents were scattered about the field. The pocket-book, too, had been opened, and many papers it contained found on the ground. Nothing valuable was lost but money. The robbers did not think it well to go off at once with the portmanteau and the pocket-book. The place was so secure, so remote, so unfrequented — they were so far from the highway, at least one full rod—there were so few persons passing, probably not more than four or five then in the road, within hearing of the pistols and the cries of Goodridge—there being, too, not above five or six dwelling-houses, full of people, within the hearing of the report of a pistol;—these circumstances were all so favorable to their safety, that the robbers sat down to look over the prosecutor's papers, carefully examined the contents of his pocket-book and portmanteau, and took only

the things which they needed! There was money belonging to other persons. The robbers did not take it. They found out it was not the prosecutor's, and left it. It may be said to be favorable to the prosecutor's story, that the money which did not belong to him, and the plunder of which would seem to be the most probable inducement he could have to feign a robbery, was not taken. But the jury would consider whether this circumstance did not bear quite as strong the other way, and whether they can believe that robbers could have left this money either from accident or design.

The robbers, by Goodridge's account, were extremely careful to search his person. Having found money in his portmanteau and in his pocket-book, they still forthwith stripped him to the skin, and searched until they found the sum which had been so carefully deposited under his clothes. Was it likely, that, having found money in the places where it is ordinarily carried, robbers should proceed to search for more, where they had no reason to suppose more would be found? Goodridge says that no person knew of his having put his bills in that situation. On the first attack, however, they proceeded to open one garment after another, until they penetrated to the treasure, which was beneath them all.

The testimony of Mr. Howard was material. He examined Goodridge's pistol, which was found on the spot, and thinks it had not been fired at all. If this be so, it would follow that the wound through the hand was not made by this pistol; but, then, as the pistol was then discharged, if it had not been fired, he is not correct in swearing that he fired it at the robbers, nor could it have been loaded at Exeter, as he testified.

In the whole case, there was nothing perhaps more deserving consideration, than the prosecutor's statement of

the violence which the robbers used toward him. He says he was struck with a heavy club, on the back part of his head. He fell senseless to the ground. Three or four rough-handed ruffians then dragged him to the fence, and through it or over it, with such force as to break one of the boards. They then plundered his money. Presently he came to his senses; perceived his situation; saw one of the robbers sitting or standing near: he valiantly sprung upon, and would have overcome him, but the ruffian called out for his comrades, who returned, and all together they renewed their attack upon, subdued him, and redoubled their violence. They struck him heavy blows; they threw him violently to the ground; they kicked him in the side; they choked him; one of them, to use his own words, jumped upon his breast. They left him only when they supposed they had killed him. He went back to Pearson's, at the bridge, in a state of delirium, and it was several hours before his recollection came to him. This is his account. Now, in point of fact, it was certain that on no part of his person was there the least mark of this beating and wounding. The blow on the head, which brought him senseless to the ground, neither broke the skin, nor caused any tumor, nor left any mark whatever. He fell from his horse on the frozen ground, without any appearance of injury. He was drawn through or over the fence with such force as to break the rail, but not at all to leave any wound or scratch on him. A second time he is knocked down, kicked, stamped upon, choked, and in every way abused and beaten till sense had departed, and the breath of life hardly remained; and yet no wound, bruise, discoloration, or mark of injury, was found to result from all this. Except the wound in his hand, and a few slight punctures in his left arm, apparently made with his own penknife, which was

found open on the spot, there was no wound or mark which the surgeons, upon repeated examinations, could anywhere discover. This was a story not to be believed. No matter who tells it, it is so impossible to be true, that all belief is set at defiance. No man can believe it. All this tale of blows which left no marks, and of wounds which could not be discovered, must be the work of imagination. If the jury could believe that he was robbed, it was impossible they should or could believe his account of the manner of it.

With respect, next, to delirium. The jury had heard the physicians. Two of them had no doubt it was all feigned. Dr. Spofford had spoken in a more qualified manner, but it was very evident his opinion agreed with theirs. In the height of his raving, the physician who was present said to others, that he could find nothing the matter of the man, and that his pulse was perfectly regular. But consider the facts which Dr. Balch testifies. He suspected the whole of this illness and delirium to be feigned. He wished to ascertain the truth. While he or others was present, Goodridge appeared to be in the greatest pains and agony from his wounds. He could not turn himself in bed, nor be turned by others, without infinite distress. His mind, too, was as much disordered as his body. He was constantly raving about robbery and murder. At length the physicians and others withdrew, and left him alone in the room. Dr. Balch returned softly to the door, which he had left partly open, and there he had a full view of his patient, unobserved by him. Goodridge was then very quiet. His incoherent exclamations had ceased. Dr. Balch saw him turn over in bed without inconvenience. Pretty soon he sat up in bed, and adjusted his neckcloth and his hair. Then, hearing footsteps on the staircase, he instantly sunk into the bed again; his pains all returned, and he

cried out against robbers and murderers as loud as ever. Now, these facts are all sworn to by an intelligent witness, who cannot be mistaken in them—a respectable physician, whose veracity or accuracy is in no way impeached or questioned. After this, it was difficult to retain any good opinion of the prosecutor. Robbed or not robbed, this was his conduct; and such conduct necessarily takes away all claim to sympathy and respect. The jury would consider whether it did not also take away all right to be believed in any thing. For if they should be of opinion that in any one point he had intentionally misrepresented facts, he could be believed in nothing. No man was to be convicted on the testimony of a witness whom the jury had found wilfully violating the truth in any particular.

The next part of the case was, the conduct of the prosecutor, in attempting to find out the robbers, after he had recovered from his illness. He suspected Mr. Pearson, a very honest, respectable man, who keeps the tavern at the bridge. He searched his house and premises. He sent for a conjurer to come, with his metallic rods and witch-hazel, to find the stolen money. Goodridge says now that he thought he should find it, if the conjurer's instruments were properly prepared. He professes to have full faith in the art. Was this folly, or fraud, or a strange mixture of both? Pretty soon after the last search, gold pieces were actually found near Mr. Pearson's house, in the manner stated by the female witness. How came they there? Did the robber deposit them there? That is not possible. Did he accidentally leave them there? Why should not a robber take as good care of his money as others? It is certain, too, that the gold pieces were not put there at the time of the robbery, because the ground was then bare; but when these pieces were found, there were several inches of snow below them. When Goodridge searched here with

his conjurer, he was on this spot, alone and unobserved, as he thought. Whether he did not, at that time, drop his gold into the snow, the jury will judge. When he came to this search, he proposed something very ridiculous. He proposed that all persons about to assist in the search should be examined, to see that they had nothing which they could put into Pearson's possession, for the purpose of being found there. But how was this examination to be made? Why, truly, Goodridge proposed that every man should examine himself, and that, among others, he would examine himself, till he was satisfied he had nothing in his pockets, which he could leave at Pearson's, with the fraudulent design of being afterward found there, as evidence against Pearson. What construction would be given to such conduct?

As to Jackman, Goodridge went to New York and arrested him. In his room he says he found paper coverings of gold, with his own figures on them, and pieces of an old and useless receipt, which he can identify, and which he had in his possession at the time of the robbery. He found these things lying on the floor in Jackman's room. What should induce the robbers, when they left all other papers, to take this receipt? and what should induce Jackman to carry it to New York, and keep it with the coverings of the gold, in a situation where it was likely to be found, and used as evidence against him?

There was no end to the series of improbabilities growing out of the prosecutor's story.

One thing especially deserves notice. Wherever Goodridge searches, he always finds something; and what he finds, he always can identify and swear to, as being his. The thing found has always some marks by which he knows it. Yet he never finds much. He never finds the mass of his lost treasure. He finds just enough to be evidence, and no more.

These were the circumstances which tended to raise doubts of the truth of the prosecutor's relation. It was for the jury to say, whether it would be safe to convict any man for this robbery, until their doubts should be cleared up. No doubt they were to judge him candidly; but they were not to make every thing yield to a regard to his reputation, or a desire to vindicate him from the suspicion of a fraudulent prosecution.

He stood like other witnesses, except that he was a very interested witness; and he must hope for credit, if at all, from the consistency and general probability of the facts to which he testified. The jury would not convict the prisoners to save the prosecutor from disgrace. He had had every opportunity of making out his case. If any person in the State could have corroborated any part of his story, that person he could have produced. He had had the benefit of full time, and good counsel, and of the Commonwealth's process to bring in his witnesses. More than all, he had had an opportunity of telling his own story, with the simplicity that belongs to truth, if it were true, and the frankness and earnestness of an honest man, if he be such. It was for the jury to say, under their oaths, how he had acquitted himself in these particulars, and whether he had left their minds free of doubt about the truth of his narration.

But if Goodridge were really robbed, was there satisfactory evidence that the defendants had a hand in the commission of this offence? The evidence relied on is the finding of the money in their house. It appeared that these defendants lived together, and, with a sister, constituted one family. Their father lived in another part of the same house, and with his wife constituted another and distinct family. In this house, some six weeks after

the robbery, the prosecutor made a search; and the result has been stated by the witnesses. Now, if the money had been passed, or used by the defendants, it might have been conclusive. If found about their persons, it might have been very strong proof. But, under the circumstances of this case, the mere finding of money in their house, and that only in places where the prosecutor had previously been, was no evidence at all. With respect to the gold pieces, it was certainly true, that they were found in Goodridge's track. They were found only where he had been, and might have put them.

When the sheriff was in the house, and Goodridge in the cellar, gold was found in the cellar. When the sheriff was up stairs, and Goodridge in the rooms below, the sheriff was called down to look for money where Goodridge directed, and there money was found. As to the bill, the evidence is not quite so clear. Mr. Leavitt says he found a bill, in a drawer, in a room in which none of the party had before been; that he thought it an uncurrent or counterfeit bill, and not a part of Goodridge's money, and left it where he found it, without further notice. An hour or two afterward, Upton perceived a bill in the same drawer,—Goodridge being then with or near him,—and called to Leavitt. Leavitt told him that he had discovered that bill before, but that it could not be Goodridge's. The bill was then examined. Leavitt says he looked at it, and saw writing on the back of it. Upton says he looked at it, and saw writing on the back of it. He says also that it was shown to Goodridge, who examined it in the same way that he and Leavitt examined it. None of the party at this time suspected it to be Goodridge's. It was then put into Leavitt's pocket-book, where it remained till evening, when it was taken out at

tne tavern; and then it turned out to be, plainly and clearly, one of Goodridge's bills, and had the name of "James Poor, Bangor," in Goodridge's own handwriting, on the back of it. The first thing that strikes one, in this account, is, why was not this discovery made at the time? Goodridge was looking for bills, as well as gold. He was looking for Boston bills—for such he had lost. He was looking for ten-dollar bills—for such he had lost. He was looking for bills which he could recognise and identify. He would, therefore, naturally be particularly attentive to any writing or marks upon such as he might find. Under these circumstances, a bill is found in the house of the supposed robbers. It is a Boston bill—it is a ten-dollar bill—it has writing on the back of it—that writing is the name of his town, and the name of one of his neighbors—more than all, that writing is his own handwriting!—notwithstanding all this, neither Goodridge, nor Upton, nor the sheriff, examined the bill, so as to see whether it was Goodridge's money. Notwithstanding it so fully resembled, in all points, the money they were looking for, and notwithstanding they also saw writing on the back of it, which they must know, if they read it, would probably have shown where the bill came from, yet neither of them did so far examine it as to see any proof of its being Goodridge's. This was hardly to be believed. It must be a pretty strong faith in the prosecutor that could credit this story. In every part of it, it was improbable and absurd. It was much more easy to believe, that the bill was changed. There might have been, and there probably was, an uncurrent or counterfeit bill found in the drawer by Leavitt. He certainly did not at the time think it to be Goodridge's, and he left it in the drawer where he found it. Before he saw it again, the prosecutor

had been in that room, and was in or near it when the sheriff was again called in, and asked to put that bill in his pocket-book. How did the jury know, that this was the same bill which Leavitt had before seen? Or, suppose it was: Leavitt carried it to Coffin's; in the evening he produced it, and, after having been handed about for some time among the company, it turned out to be Goodridge's bill, and to have upon it infallible marks of identity. How did the jury know, that a sleight of hand had not changed the bill at Coffin's? It is sufficient to say, the bill might have been changed. It is not certain, that this is the bill which Leavitt first found in the drawer—and this not being certain, it is not proof against the defendants.

Was it not extremely improbable, if the defendants were guilty, that they should deposit the money in the places where it was found? Why should they put it in small parcels in so many places, for no end but to multiply the chances of detection? Why, especially, should they put a doubloon in their father's pocket-book? There is no evidence, nor any ground of suspicion, that the father knew of the money being in his pocket-book. He swears he did not know it. His general character is unimpeached, and there is nothing against his credit. The inquiry at Stratham was calculated to elicit the truth; and, after all, there is not the slightest reason to suspect that he knew that the doubloon was in his pocket-book. What could possibly induce the defendants to place it there? No man can conjecture a reason. On the other hand, if this were a fraudulent proceeding on the part of the prosecutor, this circumstance could be explained. He did not know that the pocket-book, and the garment in which it was found, did not belong to one of the defendants. He was as

likely, therefore, to place it there as elsewhere. It was very material to consider that nothing was found in that part of the house which belonged to the defendants. Every thing was discovered in the father's apartments. They were not found, therefore, in the possession of the defendants, any more than if they had been discovered in any other house in the neighborhood. The two tenements, it was true, were under the same roof; but they were not on that account the same tenements: they were as distinct as any other houses. Now, how should it happen that the several parcels of money should all be found in the father's possession? He is not suspected—certainly there is no reason to suspect him—of having had any hand either in the commission of the robbery, or the concealing of the goods. He swears he had no knowledge of any part of this money being in his house. It is not easy to imagine how it came there, unless it be supposed to be put there by some one who did not know what part of the house belonged to the defendants, and what did not.

The witnesses on the part of the prosecution have testified that the defendants, when arrested, manifested great agitation and alarm; paleness overspread their faces, and drops of sweat stood on their temples. This satisfied the witnesses of the defendants' guilt, and they now state the circumstance as being indubitable proof. This argument manifests in those who use it equal want of sense and sensibility. It is precisely fitted to the feeling and the intellect of a bum-bailiff. In a court of justice it deserves nothing but contempt. Is there nothing that can agitate the frame, or excite the blood, but the consciousness of guilt? If the defendants were innocent, would they not feel indignation at this unjust accusation? If they saw an attempt to produce false evidence against them, would

they not be angry? And, seeing the production of such evidence, might they not feel fear and alarm? And have indignation, and anger, and terror, no power to affect the human countenance, or the human frame?

Miserable, miserable, indeed, is the reasoning which would infer any man's guilt from his agitation, when he found himself accused of a heinous offence; when he saw evidence, which he might know to be false and fraudulent, brought against him; when his house was filled, from the garret to the cellar, by those whom he might esteem as false witnesses; and when he himself, instead of being at liberty to observe their conduct and watch their motions, was a prisoner in close custody in his own house, with the fists of a catch-poll clenched upon his throat.

The defendants were at Newburyport the afternoon and evening of the robbery. For the greater part of the time, they show where they were and what they were doing. Their proof, it is true, does not apply to every moment. But when it is considered that, from the moment of their arrest, they have been in close prison, perhaps they have shown as much as could be expected. Few men, when called on afterward, can remember, and fewer still can prove, how they have passed every half-hour of an evening. At a reasonable hour they both came to the house where Laban had lodged the night before. Nothing suspicious was observed in their manners or conversation. Is it probable they would thus come unconcernedly into the company of others from a field of robbery, and, as they must have supposed, of murder, before they could have ascertained whether the stain of blood was not on their garments? They remained in the place a part of the next day. The town was alarmed; a strict inquiry was made of all strangers, and of the defendants, among others.

Nothing suspicious was discovered. They avoided no inquiry, nor left the town in any haste. The jury had had an opportunity of seeing the defendants. Did their general appearance indicate that hardihood which would enable them to act this cool, unconcerned part? Was it not more likely they would have fled?

From the time of the robbery to the arrest, five or six weeks, the defendants had been engaged in their usual occupations. They are not found to have passed a dollar of money to anybody. They continued their ordinary habits of labor. No man saw money about them, nor any circumstance that might lead to a suspicion that they had money. Nothing occurred tending in any degree to excite suspicion against them. When arrested, and when all this array of evidence was made against them, and when they could hope in nothing but their innocence, immunity was offered them again if they would confess. They were pressed, and urged, and allured, by every motive which could be set before them, to acknowledge their participation in the offence, and to bring out their accomplices. They steadily protested that they could confess nothing, because they knew nothing. In defiance of all the discoveries made in their house, they have trusted to their innocence. On that, and on the candor and discernment of an enlightened jury, they still relied.

If the jury were satisfied, that there was the highest improbability that these persons could have had any previous knowledge of Goodridge, or been concerned in any previous concert to rob him; if their conduct that evening and the next day was marked by no circumstances of suspicion; if, from that moment until their arrest, nothing appeared against them; if they neither passed money, nor are found to have had money; if the manner of the search

of their house, and the circumstances attending it, excite strong suspicions of unfair and fraudulent practices; if, in the hour of their utmost peril, no promises of safety could draw from the defendants any confessions affecting themselves or others,—it would be for the jury to say whether they could pronounce them guilty.

OBITUARY ADDRESSES.

I.

SENATE OF THE UNITED STATES,

Tuesday, December 14, 1852.

After various topics of the Message of the President had been referred to the appropriate committees, Mr. Davis rose, and addressed the Senate as follows:

Mr. President: I rise to bring to the notice of the Senate an event which has touched the sensibilities and awakened sympathies in all parts of the country, an event which has appropriately found a place in the message of the President, and ought not to be passed in silence by the Senate. Sir, we have, within a short space, mourned the death of a succession of men illustrious by their services, their talents, and worth. Not only have seats in this Chamber, in the other House, and upon the bench of the Court, been vacated, but death has entered the Executive Mansion and claimed that beloved patriot who filled the Chair of State.

The portals of the tomb had scarcely closed upon the remains of a great and gifted member of this House, before they are again opened to receive another marked man of our day—one who stood out with a singular prominence before his countrymen, challenging, by his extraordinary intellectual power, the admiration of his fellow-men.

Daniel Webster, (a name familiar in the remotest cabin upon the frontier,) after mixing actively with the councils

of his country for forty years, and having reached the limits of life assigned to mortals, has descended to the mansions of the dead, and the damp earth now rests upon his manly form.

That magic voice, which was wont to fill this place with admiring listeners, is hushed in eternal silence. The multitude will no longer bend in breathless attention from the galleries to catch his words, and to watch the speaking eloquence of his countenance, animated by the fervor of his mind; nor will the Senate again be instructed by the outpourings of his profound intellect, matured by long experience, and enriched by copious streams from the fountains of knowledge. The thread of life is cut; the immortal is separated from the mortal; and the products of a great and cultivated mind are all that remain to us of the jurist and legislator.

Few men have attracted so large a share of public attention, or maintained for so long a period an equal degree of mental distinction. In this and the other House there were rivals for fame, and he grappled in debate with the master-minds of the day, and achieved in such manly conflict the imperishable renown connected with his name.

Upon most of the questions which have been agitated in Congress during his period of service, his voice was heard. Few orators have equalled him in a masterly power of condensation, or in that clear logical arrangement of proofs and arguments which secures the attention of the hearer, and holds it with unabated interest.

These speeches have been preserved, and many of them will be read as forensic models, and will command admiration for their great display of intellectual power and extensive research. This is not a suitable occasion to discuss the merits of political productions, or to compare them with the effusions of great contemporaneous minds, or to speak of the principles advocated. All this belongs to the future, and history will assign each great name the measure of its enduring fame.

Mr. WEBSTER was conspicuous not only among the most illustrious men in the halls of legislation, but his fame shone with undiminished lustre in the judicial tribunals as an advocate, where he participated in many of the most

important discussions. On the bench were Marshall, Story, and their brethren—men of patient research and comprehensive scope of intellect—who have left behind them, in our judicial annals, proofs of greatness which will secure profound veneration and respect for their names. At the bar stood Pinckney, Wirt, Emmett, and many others who adorned and gave exalted character to the profession. Amid these luminaries of the bar he discussed many of the great questions raised in giving construction to organic law; and no one shone with more intense brightness, or brought into the conflict of mind more learning, higher proofs of severe mental discipline, or more copious illustration.

Among such men, and in such honorable combat, the foundations of that critical knowledge of constitutional law, which afterward became a prominent feature of his character, and entered largely into his opinions as a legislator, were laid.

The arguments made at this forum displayed a careful research into the history of the formation of the Federal Union, and an acute analysis of the fundamental provisions of the Constitution.

Probably no man has penetrated deeper into the principles, or taken a more comprehensive and complete view of the Union of the States, than that great man, Chief-Justice Marshall. No question was so subtle as to elude his grasp, or so complex as to defy his penetration. Even the great and the learned esteemed it no condescension to listen to the teachings of his voice; and no one profited more by his wisdom, or more venerated his character, than Mr. Webster.

To stand among such men with marked distinction, as did Mr. Webster, is an association which might satisfy any ambition, whatever might be its aspirations. But there, among those illustrious men, who have finished their labors and gone to their final homes, he made his mark strong and deep, which will be seen and traced by posterity.

But I need not dwell on that which is familiar to all readers who feel an interest in such topics; nor need I notice the details of his private life—since hundreds of pens have been employed in revealing all the facts, and in

describing, in the most vivid manner, all the scenes which have been deemed attractive; nor need I reiterate the fervent language of eulogy which has been poured out in all quarters from the press, the pulpit, the bar, legislative bodies, and public assemblies—since his own productions constitute his best eulogy.

I could not, if I were to attempt it, add any thing to the strength or beauty of the manifold evidences which have been exhibited of the length, the breadth and height of his fame; nor is there any occasion for such proofs in the Senate—the place where his face was familiar, where many of his greatest efforts were made, and where his intellectual powers were appreciated. Here he was seen and heard, and nowhere else will his claim to great distinction be more cheerfully admitted.

But the places which have known him will know him no more! His form will never rise here again; his voice will not be heard, nor his expressive countenance seen. He is dead. In his last moments he was surrounded by his family and friends at his own home; and, while consoled by their presence, his spirit took its flight to other regions. All that remained has been committed to its kindred earth. Divine Providence gives us illustrious men, but they, like others, when their mission is ended, yield to the inexorable law of our being. He who gives also takes away, but never forsakes his faithful children.

The places of those possessing uncommon gifts are vacated, the sod rests upon the once manly form, now as cold and lifeless as itself, and the living are filled with gloom and desolation. But the world rolls on; Nature loses none of its charms; the sun rises with undiminished splendor; the grass loses none of its freshness; nor do the flowers cease to fill the air with fragrance. Nature, untouched by human woe, proclaims the immutable law of Providence, that decay follows growth, and that He who takes away never fails to give.

Sir, I propose the following resolutions, believing that they will meet the cordial approbation of the Senate:

Resolved, That the Senate has received with profound sensibility the annunciation from the President of the death

of the late Secretary of State, Daniel Webster, who was long a highly distinguished member of this body.

Resolved, That the Senate will manifest its respect for the memory of the deceased, and its sympathy with his bereaved family, by wearing the usual badge of mourning for thirty days.

Resolved, That these proceedings be communicated to the House of Representatives.

II.

MR. BUTLER.

Mr. PRESIDENT: This is an occasion full of interesting but melancholy associations, and one that especially appeals to my feelings and sense of justice—I might almost say historical justice—as a representative of South Carolina. Who, that were present, can ever forget the mournful and imposing occasion when Daniel Webster, whose eloquence and ability had given distinction to the greatest deliberative assembly and the most august tribunal of justice in this great Confederacy; and when Henry Clay —a name associated with all that is daring in action and splendid in eloquence—rose as witnesses before the tribunal of history, and gave their testimony as to the character and services of their illustrious compeer, John Caldwell Calhoun? They embalmed in historical immortality their rival, associate, and comrade.

I would that I could borrow from the spirit of my great countryman something of its justice and magnanimity, that I might make some requital for the distinguished tributes paid to his memory by his illustrious compeers. Such an occasion as the one I have referred to, is without parallel in the history of this Senate; and, sir, I fear that there is no future for such another one. Calhoun, Clay, and Webster—like Pitt, Fox, and Burke—have made a picture on our history that will be looked upon as its culminating splendor. They were luminaries that, in many points of

view, essentially differed from each other, as one star differeth from another; but they were all stars of the first magnitude. Distance cannot destroy, nor can time diminish the simple splendor of their light for the guidance and instruction of an admiring posterity.

Rivals they were on a great and eventful theatre of political life; but death has given them a common fame.

> Eadem arena,
> Communis virtus, atque perennis decus,
> Victrix causa parem meritis et victa favorem
> Vindicat, æternum vivere fama dedit.

Their contest in life was for the awards of public opinion —the great lever in modern times by which nations are to be moved.

> "With more than mortal powers endow'd,
> How high they soar'd above the crowd!
> Theirs was no common party race,
> Jostling by dark intrigue for place:
> Like fabled gods, their mighty war
> Shook realms and nations in its jar!"

Before I became a member of the Senate, of which I found Mr. Webster a distinguished ornament, I had formed a very high estimate of his abilities—and from various sources of high authority. His mind, remarkable for its large capacity, was enriched with rare endowments—with the knowledge of a statesman, the learning of a jurist, and the attainments of a scholar. In this Chamber, with unsurpassed ability, Mr. Webster has discussed the greatest subjects that have influenced, or can influence, the destinies of this great Confederacy. Well may I apply to him the striking remark which he bestowed on Mr. Calhoun: "We saw before us a Senator of Rome, when Rome survived."

I have always regarded Mr. Webster as a noble model of a parliamentary debater. His genial temper, the courtesy and dignity of his deportment, his profound knowledge of his subject, and his thorough preparation, not only gave him a great command over his immediate audience, but gave his masterly speeches an impressive influence upon public opinion.

In the Supreme Court, Mr. Webster was engaged in the

greatest cases that were ever decided by that tribunal; and it is not saying too much to assert that his arguments formed the basis of some of the ablest judgments of that court. His exuberant but rectified imagination, and brilliant literary attainments, imparted to his eloquence beauty, simplicity, and majesty, and the finish of taste and elaboration. He seemed to prefer the more deliberative style of speaking; but, when roused and assailed, he became a formidable adversary in the war of debate, discharging from his full quiver the arrows of sarcasm and invective with telling effect.

Mr. Webster was born in a forest, and, in his childhood and youth, lived amid the scenes of rural life; and it was no doubt under their inspiring influence that he imbibed that love of Nature which has given such a charm and touching pathos to some of his meditative productions. It always struck me that he had something of Burns's nature, but controlled by the discipline of a higher education. Lifted above the ordinary level of mankind by his genius and intelligence, Mr. Webster looked upon a more extensive horizon than could be seen by those below him. He had too much information, from his large and varied intercourse with great men, and his acquaintance with the opinions of all ages through the medium of books, to allow the spirit of bigotry to have a place in his mind. I have many reasons to conclude that he was not only tolerant of the opinions of others, but was even generous in his judgments toward them. I will conclude by saying that New England, especially, and the Confederacy at large, have cause to be proud of the fame of such a man.

III.

MR. CASS.

Mr. PRESIDENT: HOW ARE THE MIGHTY FALLEN! was the pathetic lamentation when the leaders of Israel were struck down in the midst of their services and of their

renown. Well may we repeat that national wail, How are the mighty fallen! when the impressive dispensations of Providence have so recently carried mourning to the hearts of the American people, by summoning from life to death three of their eminent citizens, who, for almost half a century, had taken part—and prominently, too—in all the great questions, as well of peace as of war, which agitated and divided their country. Full, indeed, they were of days and of honors, for

> "The hand of the reaper
> Took the ears that were hoary,"

but never brighter in intellect, purer in patriotism, nor more powerful in influence, than when the grave closed upon their labors, leaving their memory and their career at once an incentive and an example for their countrymen in that long course of trial—but I trust of freedom and prosperity, also—which is open before us. Often divided in life, but only by honest convictions of duty, followed in a spirit of generous emulation, and not of personal opposition, they are now united in death; and we may appropriately adopt, upon this striking occasion, the beautiful language addressed to the people of England by one of her most gifted sons, when they were called to mourn, as we are called now, a bereavement which spread sorrow—dismay almost—through the nation, and under circumstances of difficulty and of danger far greater than any we can now reasonably anticipate in the progress of our history:

> "Seek not for those a separate doom,
> Whom fate made brothers in the tomb;
> But search the land of living men:
> Where shall we find their like again?"

And to-day, in the consideration of the message of the Chief Magistrate, it becomes us to respond to his annunciation—commending itself, as it does, to the universal sentiment of the country—of the death of the last of these lamented statesmen, as a national misfortune. This mark of respect and regret was due alike to the memory of the dead and to the feelings of the living. And I have listened with deep emotion to the eloquent testimonials to the

mental power, and worth, and services of the departed patriot, which to-day have been heard in this high place, and will be heard to-morrow, and commended, too, by the American people. The voice of party is hushed in the presence of such a national calamity, and the grave closes upon the asperity of political contests when it closes upon those who have taken part in them. And well may we, who have so often witnessed his labors and his triumphs—well may we, here, upon this theatre of his services and his renown, recalling the efforts of his mighty understanding, and the admiration which always followed its exertion—well may we come with our tribute of acknowledgment to his high and diversified powers, and to the influence he exercised upon his auditory, and, in fact, upon his country. He was, indeed, one of those remarkable men who stand prominently forward upon the canvas of history, impressing their characteristics upon the age in which they live, and almost making it their own by the force of their genius and by the splendor of their fame. The time which elapsed between the middle of the eighteenth century and our own day was prolific of great events and of distinguished men, who guided or were guided by them, far beyond any other equal period in the history of human society. But, in my opinion, even this favored epoch has produced no man possessing a more massive and gigantic intellect, or who exhibited more profound powers of investigation in the great department of political science to which he devoted himself, in all its various ramifications, than Daniel Webster.

The structure of his mind seemed peculiarly adapted to the work he was called upon to do, and he did it as no other man of his counrty—of his age, indeed—could have done it. And his name and his fame are indissolubly connected with some of the most difficult and important questions which our peculiar institutions have called into discussion. It was my good fortune to hear him upon one of the most memorable of these occasions, when, in this very hall, filled to overflowing with an audience whose rapt attention indicated his power and their expectations, he entered into an analysis of the Constitution, and of the great principles of our political organization, with a vigor

of argument, a force of illustration, and a felicity of diction, which have rendered this effort of his mind one of the proudest monuments of American genius, and one of the noblest expositions which the operations of our Government have called forth. I speak of its general effect, without concurring in all the views he presented, though the points of difference neither impair my estimate of the speaker nor of the power he displayed in this elaborate debate.

The judgment of his contemporaries upon the character of his eloquence will be confirmed by the future historian. He grasped the questions involved in the subject before him with a rare union of force and discrimination, and he presented them in an order of arrangement, marked at once with great perspicuity and with logical acuteness, so that, when he arrived at his conclusion, he seemed to reach it by a process of established propositions, interwoven with the hand of a master; and topics, barren of attraction, from their nature, were rendered interesting by illustrations and allusions, drawn from a vast storehouse of knowledge, and applied with a chastened taste, formed upon the best models of ancient and of modern learning; and to these eminent qualifications was added an uninterrupted flow of rich and often racy old-fashioned English, worthy of the earlier masters of the language, whom he studied and admired.

As a statesman and politician his power was felt and acknowledged through the Republic, and all bore willing testimony to his enlarged views and to his ardent patriotism. And he acquired a European reputation by the state papers he prepared upon various questions of our foreign policy; and one of these—his refutation and exposure of an absurd and arrogant pretension of Austria—is distinguished by lofty and generous sentiments, becoming the age in which he lived and the great people in whose name he spoke, and is stamped with a vigor and research not less honorable in the exhibition than conclusive in the application; and it will ever take rank in the history of diplomatic intercourse among the richest contributions to the commentaries upon the public law of the

world. And in internal as in external troubles he was true, and tried, and faithful; and in the latest, may it be the last, as it was the most perilous, crisis of our country, rejecting all sectional considerations, and exposing himself to sectional denunciation, he stood up boldly, proudly, indeed, and with consummate ability, for the constitutional rights of another portion of the Union, fiercely assailed by a spirit of aggression, as incompatible with our mutual obligations as with the duration of the Confederation itself. In that dark and doubtful hour, his voice was heard above the storm, recalling his countrymen to a sense of their dangers and their duties, and tempering the lessons of reproof with the experience of age and the dictates of patriotism.

He who heard his memorable appeal to the public reason and conscience, made in this crowded chamber, with all eyes fixed upon the speaker, and almost all hearts swayed by his words of wisdom and of power, will sedulously guard its recollections as one of those precious incidents which, while they constitute the poetry of history, exert a permanent and decisive influence upon the destiny of nations.

And our deceased colleague added the kindlier affections of the heart to the lofty endowments of the mind; and I recall, with almost painful sensibility, the associations of our boyhood, when we were school-fellows together, with all the troubles and the pleasures which belong to that relation of life, in its narrow world of preparation. He rendered himself dear by his disposition and deportment, and exhibited some of those peculiar characteristic features, which, later in life, made him the ornament of the social circle, and, when study and knowledge of the world had ripened his faculties, endowed him with powers of conversation I have not found surpassed in my intercourse with society, at home or abroad. His conduct and bearing at that early period have left an enduring impression upon my memory of mental traits which his subsequent course in life developed and confirmed. And the commanding position and ascendency of the man were foreshadowed by the standing and influence of the boy among the comrades who surrounded him. Fifty-five years ago

we parted—he to prepare for his splendid career in the good old land of our ancestors, and I to encounter the rough toils and trials of life in the great forest of the West. But, ere long, the report of his words and his deeds penetrated those recesses, where human industry was painfully, but successfully, contending with the obstacles of Nature, and I found that my early companion was assuming a position which confirmed my previous anticipations, and which could only be attained by the rare faculties with which he was gifted. Since then he has gone on irradiating his path with the splendor of his exertions, till the whole hemisphere was bright with his glory, and never brighter than when he went down in the west, without a cloud to obscure his lustre, calm, clear, and glorious. Fortunate in life, he was not less fortunate in death, for he died with his fame undiminished, his faculties unbroken, and his usefulness unimpaired; surrounded by weeping friends, and regarded with anxious solicitude by a grateful country, to whom the messenger that mocks at time and space told, from hour to hour, the progress of his disorder, and the approach of his fate. And beyond all this, he died in the faith of a Christian, humble, but hopeful, adding another to the roll of eminent men who have searched the gospel of Jesus, and have found it the word and the will of God, given to direct us while here, and to sustain us in that hour of trial, when the things of this world are passing away, and the dark valley of the shadow of death is open before us.

How are the mighty fallen! we may yet exclaim, when reft of our greatest and wisest; but they fall to rise again from death to life, when such quickening faith in the mercy of God and in the sacrifice of the Redeemer comes to shed upon them its happy influence, on this side of the grave and beyond it.

IV.

MR. SEWARD.

When, in passing through Savoy, I reached the eminence where the traveller is promised his first distinct view of Mont Blanc, I asked, "Where is the mountain?" "There," said the guide, pointing to the rainy sky which stretched out before me. It is even so when we approach and attempt to scan accurately a great character. Clouds gather upon it, and seem to take it up out of our sight.

Daniel Webster was a man of warm and earnest affections in all the domestic and social relations. Purely incidental and natural allusions in his conversations, letters, and speeches, have made us familiar with the very pathways about his early mountain home; with his mother, graceful, intellectual, fond, and pious; with his father, assiduous, patriotic, and religious, changing his pursuits, as duty in Revolutionary times commanded, from the farm to the camp, and from the camp to the provincial legislature and the constituent assembly. It seems as if we could recognise the very form and features of the most constant and generous of brothers. Nor are we strangers at Marshfield. We are guests hospitably admitted, and then left to wander at our ease under the evergreens on the lawn, over the grassy fields, through the dark, native forest, and along the resounding sea-shore. We know, almost as well as we know our own, the children reared there, and fondly loved, and therefore, perhaps, early lost; the servants bought from bondage, and held by the stronger chains of gratitude; the careful steward, always active, yet never hurried; the reverent neighbor, always welcome, yet never obtrusive; and the ancient fisherman, whose little fleet is ever ready for the sports of the sea; and we meet on every side the watchful and devoted friends whom no frequency of disappointment can discourage, and whom even the death of their great patron cannot all at once disengage from efforts which know no balancing of probabilities nor

reckoning of cost to secure his elevation to the first honors of the Republic.

Who that was even confessedly provincial was ever so identified with any thing local as DANIEL WEBSTER was with the spindles of Lowell, and the quarries of Quincy; with Faneuil Hall, Bunker Hill, Forefathers' Day, Plymouth Rock, and whatever else belonged to Massachusetts? And yet, who that was most truly national has ever so sublimely celebrated, or so touchingly commended to our reverent affection, our broad and ever-broadening continental home; its endless rivers, majestic mountains, and capacious lakes; its inimitable and indescribable constitution; its cherished and growing capital; its aptly conceived and expressive flag, and its triumphs by land and sea; and its immortal founders, heroes, and martyrs! How manifest it was, too, that, unlike those who are impatient of slow but sure progress, he loved his country, not for something greater or higher than he desired or hoped she might be, but just for what she was, and as she was already, regardless of future change!

No, sir; believe me, they err widely who say that DANIEL WEBSTER was cold and passionless. It is true that he had little enthusiasm; but he was, nevertheless, earnest and sincere, as well as calm; and, therefore, he was both discriminating and comprehensive in his affections. We recognise his likeness in the portrait drawn by a Roman pencil:

> "who with nice discernment knows
> What to his country and his friends he owes;
> How various Nature warms the human breast,
> To love the parent, brother, friend, or guest,
> What the great offices of judges are,
> Of senators, of generals sent to war."

DANIEL WEBSTER was cheerful, and on becoming occasions joyous, and even mirthful; but he was habitually engaged in profound studies on great affairs. He was, moreover, constitutionally fearful of the dangers of popular passion and prejudice; and so, in public walk, conversation, and debate, he was grave and serious, even to solemnity; yet he never desponded in the darkest hours of

personal or political trial; and melancholy never, in health nor even in sickness, spread a pall over his spirits.

It must have been very early that he acquired that just estimate of his own powers which was the basis of a self-reliance which all the world saw and approved, and which, while it betrayed no feature of vanity, none but a superficial observer could have mistaken for pride or arrogance.

DANIEL WEBSTER was no sophist. With a talent for didactic instruction which might have excused dogmatism, he never lectured on the questions of morals that are agitated in the schools. But he seemed, nevertheless, to have acquired a philosophy of his own, and to have made it the rule and guide of his life. That philosophy consisted in improving his powers and his tastes, so that he might appreciate whatever was good and beautiful in nature and art, and attain to whatever was excellent in conduct. He had accurate perceptions of the qualities and relations of things. He overvalued nothing that was common, and undervalued nothing that was useful, or even ornamental. His lands, his cattle and equipage, his dwelling, library, and apparel, his letters, arguments, and orations —every thing that he had, every thing that he made, and every thing that he did—was, as far as possible, fit, complete, perfect. He thought decorous forms necessary for preserving whatever was substantial or valuable in politics and morals, and even in religion. In his regard, order was the first law, and peace the chief blessing, of earth, as they are of heaven. Therefore, while he desired justice and loved liberty, he reverenced law as the first divinity of states and of society.

DANIEL WEBSTER was, indeed, ambitious; but his ambition was generally subordinate to conventional forms, and always to the Constitution. He aspired to place and preferment, but not for the mere exercise of political power, and still less for pleasurable indulgences; and only for occasions to save or serve his country, and for the fame which such noble actions might bring. Who will censure such ambition? Who had greater genius subjected to severer discipline? What other motives than those of ambition could have brought that genius into activity under

that discipline, and sustained that activity so equally under ever-changing circumstances so long? His ambition never fell off into presumption. He was, on the contrary, content with performing all practical duties, even in common affairs, in the best possible manner; and he never chafed under petty restraints from those above, nor malicious annoyances from those around him. If ever any man had intellectual superiority which could have excused a want of deference due to human authority, or skepticism concerning that which was divine, he was such a one. Yet he was, nevertheless, unassuming and courteous, here and elsewhere, in the public councils; and there was, I think, never a time in his life when he was not an unquestioning believer in that religion which offers to the meek the inheritance of the heavenly kingdom.

DANIEL WEBSTER'S mind was not subtle, but it was clear. It was surpassingly logical in the exercise of induction, and equally vigorous and energetic in all its movements; and yet he possessed an imagination so strong that if it had been combined with even a moderated enthusiasm of temper, would have overturned the excellent balance of his powers.

The civilian rises in this, as in other republics, by the practice of eloquence; and so DANIEL WEBSTER became an orator—the first of orators.

Whatever else concerning him has been controverted by anybody, the fifty thousand lawyers of the United States, interested to deny his pretensions, conceded to him an unapproachable supremacy at the bar. How did he win that high place? Where others studied laboriously, he meditated intensely. Where others appealed to the prejudices and passions of courts and juries, he addressed only their understandings. Where others lost themselves among the streams, he ascended to the fountain. While they sought the rules of law among conflicting precedents, he found them in the eternal principles of reason and justice.

But it is conceding too much to the legal profession to call DANIEL WEBSTER a lawyer. Lawyers speak for clients and their interests—he seemed always to be speaking for his country and for truth. So he rose imperceptibly above

his profession; and while yet in the Forum, he stood before the world a Publicist. In this felicity, he resembled, while he surpassed, Erskine, who taught the courts at Westminster the law of moral responsibility; and he approached Hamilton, who educated the courts at Washington in the Constitution of their country and the philosophy of government.

An undistinguishable line divides this high province of the Forum from the Senate, to which his philosophy and eloquence were perfectly adapted. Here, in times of stormy agitation and bewildering excitement, when as yet the Union of these States seemed not to have been cemented and consolidated, and its dissolution seemed to hang, if not on the immediate result of the debate, at least upon the popular passion that that result must generate, DANIEL WEBSTER put forth his mightiest efforts—confessedly th greatest ever put forth here or on this continent. Those efforts produced marked effect on the Senate; they soothed the public mind, and became enduring lessons of instruction to our countrymen on the science of constitutional law, and the relative powers and responsibilities of the Government, and the rights and duties of the States and of citizens.

Tried by ancient definitions, DANIEL WEBSTER was not an orator. He studied no art and practised no action. Nor did he form himself by any admitted model. He had neither the directness and vehemence of Demosthenes, nor the fulness nor flow of Cicero, nor the intenseness of Milton, nor the magnificence of Burke. It was happy for him that he had not. The temper and tastes of his age and country required eloquence different from all these; and they found it in the pure logic and the vigorous yet massive rhetoric which constituted the style of DANIEL WEBSTER.

DANIEL WEBSTER, although a statesman, did not aim to be either a popular or a parliamentary leader. He left common affairs and questions to others, and reserved himself for those great and infrequent occasions which seemed to involve the prosperity or the continuance of the Republic. On these occasions he rose above partisan in-

fluences and alliances, and gave his counsels earnestly, and with impassioned solemnity, and always with an unaffected reliance upon the intelligence and virtue of his countrymen.

The first revolutionary assembly that convened in Boston promulgated the principle of the revolution of 1688—"Resistance to unjust laws is obedience to God;" and it became the watchword throughout the colonies. Under that motto the colonies dismembered the British Empire, and erected the American Republic. At an early day, it seemed to DANIEL WEBSTER that the habitual cherishing of that principle, after its great work had been consummated, threatened to subvert, in its turn, the free and beneficent Constitution, which afforded the highest attainable security against the passage of unjust laws. He addressed himself therefore assiduously, and almost alone, to what seemed to him the duty of calling the American people back from revolutionary theories to the formation of habits of peace, order, and submission to authority. He inculcated the duty of submission by States and citizens to all laws passed within the province of constitutional authority, and of absolute reliance on constitutional remedies for the correction of all errors and the redress of all injustice. This was the political gospel of DANIEL WEBSTER. He preached it in season and out of season, boldly, constantly, with the zeal of an apostle, and with the devotion, if there were need, of a martyr. It was full of saving influences while he lived, and those influences will last so long as the Constitution and the Union shall endure.

I do not dwell on DANIEL WEBSTER'S exercise of administrative functions. It was marked by the same ability that distinguished all his achievements in other fields of duty. It was at the same time eminently conservative of peace, and of the great principles of constitutional liberty, on which the republican institutions of his country were founded. But while those administrative services benefited his country, and increased his fame, we all felt, nevertheless, that his proper and highest place was here, where there was field and scope for his philosophy and his eloquence—here, among the equal representatives of equal

States, which were at once to be held together, and to be moved on in the establishment of a continental power controlling all the American States, and balancing those of the Eastern world; and we could not but exclaim, in the words of the Roman orator, when we saw him leave the legislative councils to enter on the office of administration—

"Quantis in angustiis, vestra gloria se dilitari velit."

V.

MR. STOCKTON.

Mr. PRESIDENT: I was prevented from coming to Washington until this morning. After travelling all night, I hastened here to take my seat, wholly unapprized of the intention of the Senator from Massachusetts to introduce the resolutions now before the Senate.

It would, therefore, not become me, nor the solemnity of the occasion, to mingle, unprepared as I needs must be, my voice in the eloquent lamentation which does honor to the Senate, for any other purpose than merely briefly to express my grief—my sorrow—my heartfelt, unaffected sorrow for the death of Daniel Webster.

Senators, I have known and loved Daniel Webster for thirty years. What wonder, then, I sorrow? But now that I am on my feet for that purpose—and the Senate, who knew and loved him too, are my listeners—how am I to express that sorrow? I cannot do it. It cannot be done. Oh! sir, all words, in moments such as these, when love or grief seek utterance, are vain and frigid.

Senators, I can even now hardly realize the event—that Daniel Webster is DEAD—that he does not "*still live.*"

I did hope that God—who has watched over this Republic—who can do all things—"who hung the Earth on nothing"—who so endowed the mind of Daniel Webster—would still longer have upheld its frail tenement, and kept

him as an example to our own men, and to the men of the whole world.

Indeed, it is no figure of speech, when we say that *his* fame was "world-wide."

But, Senators, I have risen to pronounce no eulogy on *him*. I am up for no such vain purpose. I come with no ceremony. I come to the portals of his grave, stricken with sadness—before the assembled Senate—in the presence of friends and Senators—(for whether they be of this side of the Chamber or the other side of the Chamber, I hope I am entitled to call every Senator my friend)—to mingle my grief with the grief of those around me. But I cherish no hope of adding one gravel-stone to the colossal column he has erected for himself. I would only place a garland of friendship on the bier of one of the greatest and best men I ever knew.

Senators, you have known Mr. Webster in his public character—as a statesman of almost intuitive perceptions—as a lawyer of unsurpassed learning and ability—as a ripe and general scholar. But it was my happiness to know him, also, as a man in the seclusion of private life; and in the performance of sacred domestic duties, and of those of reciprocal friendship, I say, in this presence, and as far as my voice may reach, that he was remarkable for all those attributes which constitute a generous, magnanimous, courageous, hospitable, and high-minded man. Sir, as far as my researches into the history of the world have gone, they have failed to discover his superior. Not even on the records of ancient Greece, or Rome, or of any other nation, are to be found the traces of a man of superior endowments to our own Webster.

Mr. President, in private life he was a man of pure and noble sentiments, and eminently kind, social, and agreeable. He was generous to a fault. Sir, one act of his, one speech of his, made in this Chamber, placed him before all men of antiquity. He offered himself—yes, you all remember, in that seat *there*, he rose and offered himself a living sacrifice for his country. And Lord Bacon has said, that he who offers himself as a sacrifice for his country, is a sight for angels to look upon.

Mr. President, my feelings on this occasion will not sur-

prise Senators, who remember that these are no new sentiments for me—that when he was living, I had the temerity to say that Daniel Webster was the greatest among men, and a true patriot—ay, sir! when the expression of such opinions might have interfered with political aspirations imputed to me. Well, sir, if an empire had then been hanging on my words, I would not have amended or altered one sentiment.

Having said thus much for the dead, allow me to express a word of thanks to the honorable Senator from Michigan, (Mr. Cass.) Sir, I have often had occasion to feel sentiments of regard, and, if he will permit me to say it, of affectionate regard, for him, and sometimes to express them; but the emotions created in my heart by his address this morning are not easily expressed. I thank him—in the fulness of my heart I thank him; and may God spare him to our country many years. May he long remain here, in our midst, as he is at this day, in all the strength of manhood, and in all the glory of matured wisdom.

HOUSE OF REPRESENTATIVES,

Wednesday, December 15, 1852.

The Journal having been read,

A message was received from the Senate by the hands of Asbury Dickins, Esq., its Secretary, which, upon request of Mr. Davis, of Massachusetts, was read, as follows:

Resolved, That the Senate has received with profound sensibility the annunciation from the President of the death of the late Secretary of State, Daniel Webster, who was long a highly distinguished member of this body.

Resolved, That the Senate will manifest its respect for the memory of the deceased, and its sympathy with his

bereaved family, by wearing the usual badge of mourning for thirty days.

Resolved, That these proceedings be communicated to the House of Representatives.

VI.

MR. DAVIS.

Mr. SPEAKER: I rise for the purpose of proposing some action of this House in response to that which, we learn, has taken place in the Senate in reference to the death of Mr. Webster; and I have little to add to the proposition itself beyond a brief expression of reverence and of affectionate recollection. At this seat of Government, where thirty years of Mr. Webster's life were spent —in this Capitol, still populous with the echoes of his voice—to this House, of which there is not an individual member but can trace something of his intellectual wealth, or political faith, to the fountain of that mighty intellect—it would be useless, and worse, to pass in review the various acts of spoken and written thought by which he impressed himself ineffaceably upon his time. Master of the great original ideas of which our social institutions are but the coarse material expression; master of a style which clothed each glorious thought in a garb of appropriate beauty; possessed of a conquering nature, that, "like the west wind, brought the sunshine with it," and gave us, wherever he was, the sense of security and power, he has run his appointed race, and has left us to feel that our day of life will henceforth be more wintry now that that light has been withdrawn.

> "But he was ours. And may that word of pride
> Drown, with its lofty tone, pain's bitter cry!"

I have no intention of undertaking here to measure his labors or interpret his ideas; but I feel tempted to say that his great field of action—the greatest which any statesman

can have—was in undertaking to apply general principles to an artificial and complicated system; to reconcile liberty with law; to work out the advance of liberty and civilization through and under the rules of law and government; to solve that greatest problem of human government, how much of the ideal may safely be let into the practical.

He sought these objects, and he sought the political power which would enable him to carry out these objects, and he threw into the struggle the great passions of a great nature—the *quidquid vult, valde vult*, of the elder Brutus. He sought, and not unsuccessfully, to throw around the cold impersonal idea of a constitution the halo of love and reverence which in the Old World gathers round the dynasties of a thousand years; for, in the attachment thus created, he thought he saw the means of safety and permanence for his country. His large experience and broad forecast gave him notice of national dangers which all did not see, as the wires of the electric telegraph convey news of startling import, unknown to the slumbering villages through which they pass. Whether his fears were well or ill founded, the future, the best guardian of his fame, will show; but whether well or ill founded matters nothing now to him. He has passed through the last and sternest trial, which he has himself in anticipation described in words never to be forgotten:

"One may live (said he) as a conqueror, a hero, or a magistrate, but he must die as a man. The bed of death brings every human being to his pure individuality; to the intense contemplation of that, the deepest and most solemn of all relations—the relation between the creature and his Creator. Here it is that fame and renown cannot assist us; that all external things must fail to aid us; that friends, affection, and human love and devotedness cannot succor us. This relation, the true foundation of all duty—a relation perceived and felt by conscience and confirmed by revelation—our illustrious friend, now deceased, always acknowledged. He reverenced the Scriptures of truth, honored the pure morality which they teach, and clung to the hopes of future life which they impart."

Mr. Webster died in accordance with the prevailing sentiment of his life, in the spirit of prayer to God, and

of love to man. Well might the nation that watched his dying bed say, in the words which the greatest English poet applies to a legendary hero who also had been the stay of his country in peril:

> "Nothing is here for tears, nothing to wail
> Or knock the breast; no weakness, no contempt,
> Dispraise or blame: nothing but well and fair,
> And what may comfort us in a death so noble."

VII.

MR. APPLETON, of Maine.

Mr. SPEAKER: I do not know that I ought to add any thing to what has already been said upon the resolutions before us; yet, since the death of Mr. Webster was a national calamity, it is fit that all classes and all parties in the community should unite to testify their full appreciation of it. The people themselves have admonished us of this, as they have gathered recently with mournful reverence around his tomb; and we should be unworthy of them, if, here in the Capitol, where he won so much of his fame, we did not add our tribute to his memory. It is a GREAT MEMORY, sir, and will go down to posterity, as one of the country's heirlooms, through I know not how many successive generations. We are not here, Mr. Speaker, to build his monument. He builded that for himself before he died; and, had he failed to do so, none among us could supply the deficiency. We are here, rather, to recognise his labors, and to inscribe the marble with his name.

That we have not all sympathized with him in his political doctrines, or been ready to sanction every transaction of his public life, need not, and, I am sure, does not, abate any thing from our respect for his services, or our regret for his loss. His character and his works,—what he was and what he did,—constitute a legacy which no sound-hearted American can contemplate without emotions

of gratitude and pride. There is *enough* of Daniel Webster, sir, to furnish a common ground upon which *all* his countrymen can mingle their hearty tributes to his memory.

He was a man to be remarked anywhere. Among a *barbarous* people he would have excited reverence by his very look and mien. No one could stand before him without knowing that he stood in a majestic presence, and admiring those lineaments of greatness with which his Creator had enstamped, in a manner not to be mistaken, his outward form. If there ever was such an instance on earth, his was the appearance described by the great dramatist:

> "The combination and the form indeed,
> Where every god did seem to set his seal,
> To give the world assurance of a man."

No one could listen to him, in his happier moments, without feeling his spirit stirred within him by those deep, cathedral tones which were the fit vehicles of his grave and earnest thoughts.

No one can read his writings without being struck by the wonderful manner in which they unite a severe simplicity of style with great warmth of fancy, and great affluence of diction.

We, Mr. Speaker, remember his look and his spoken words; but, by those who are to come after us, he will be chiefly known through that written eloquence which is gathered in our public records, and enshrined among the pages of his published works. By these, at least, he *still lives*, and by these, in my judgment, he will continue to live, after these pillars shall have fallen, and this Capitol shall have crumbled into ruin. Demosthenes has survived the Parthenon, and Tully still pleads before the world the cause of Roman culture and Roman oratory; but there is nothing, it seems to me, either in Tully or in Demosthenes, which, for conception, or language, or elevation of sentiment, can exceed some passages in the writings which remain of Daniel Webster. His fame, indeed, is secure, for it is guarded by his own works; and, as he himself said of Mr. Calhoun, "he has lived long enough,—he has

done enough, and he has done it so well, so successfully, so honorably, as to connect himself for all time with the records of his country."

In no respect, Mr. Speaker, is this an occasion of lamentation for *him*. Death was not meant to be regarded as an evil, or else it would not come alike to all; and about Mr. Webster's death there were many circumstances of felicity and good fortune. He died in the maturity of his intellect, after long public service, and after having achieved a great name for himself, and a great memory for his country. He died at home; his last wants supplied by the hands of affection; his last hours cheered by the consolations of friendship; amidst those peaceful scenes which he had himself assisted to make beautiful, and within hearing of that ocean-anthem to which he always listened with emotions of gratitude and joy. He died, too, conscious of the wonderful growth and prosperity and glory of his native land. His eloquent prayer had been answered—the prayer which he breathed forth to Providence at the greatest era of his life, when he stood side by side with Andrew Jackson, and they both contended for what was, in their belief, the cause of the Constitution and the Union.

I pause, Mr. Speaker, at the combination of those two names. Andrew Jackson and Daniel Webster! Daniel Webster and Andrew Jackson! With the clear intellect and glorious oratory of the one, added to the intuitive sagacity and fate-like will of the other, I will not ask what *wrong* is there which they could not successfully crush, but what *right* is there, rather, which could withstand their united power?

"When my eyes," he said on that great occasion, "are turned to behold for the last time the sun in heaven, may I not see him shining on the broken and dishonored fragments of a once glorious Union; on States dissevered, discordant, belligerent; on a land rent with civil feuds, or drenched, it may be, with fraternal blood. Let their last feeble and lingering glance rather behold the gorgeous ensign of the republic, now known and honored throughout the earth, still full high advanced, its arms and trophies streaming in their original lustre, not a stripe erased or

polluted, nor a single star obscured, bearing for its motto no such miserable interrogatory as 'What is all this worth?' nor those other words of delusion and folly, 'Liberty first and union afterward;' but everywhere, spread all over in characters of living light, blazing on all its ample folds, as they float over the sea and over the land, and in every wind under the whole heavens, that other sentiment, dear to every American heart, 'Liberty *and* union, now and forever, one and inseparable.'" Sir, Mr. Webster outlived the crisis of 1830, and saw his country emerge in safety, also, from that later tempest of sectional disturbance, whose waters are even yet heaving with the swell of subdued but not exhausted passion. He left this nation great, prosperous, and happy; and, more than that, he left the Constitution and the Union in vigorous existence, under whose genial influences all that glory, and prosperity, and happiness, he knew, had been achieved. To preserve *them*, he had risked what few men *have* to risk—his reputation, his good name, his cherished friendships; and if there be any who doubt the wisdom of his 7th of March speech, let them consider the value of these treasures, and they will at least give him credit for patriotism and sincerity. But I am unwilling, Mr. Speaker, to dwell upon this portion of his career. The fires of that crisis have subsided, but their ashes are yet warm with recent strife. What Mr. Webster did, and the other great men with whom he labored, to extinguish those fires, has gone into the keeping of history, and *they* have found their best reward in the continued safety of the republic.

Our anxiety need not be for *them*. When the mariner is out upon the ocean, and sees, one by one, the lights of heaven go out before the rising storm, he does not ask what has become of those lights, or whether they shall renew their lustre; but his inquiry is, what is to become of *me*, and how am I to guide my bark in safety, after these natural pilots of the sky have disappeared? Yet even then, by consulting those calculations and directions which wise and skilful men had prepared when the light did shine, and there was no tempest raging upon the sea, he is enabled, it may be, to grope his way in safety to his desired port. And this, sir, is our consolation upon occa-

sions like the present one. Jackson, and Calhoun, and Clay, and Wright, and Polk, and Woodbury, and Webster, are indeed no more; and if all that they thought, and said, and did—their wise conceptions, and their heroic deeds, and their bright examples—were buried *with* them, how terribly deepened would now be our sense of the nation's loss, and how much less hopeful the prospects of republican liberty! But it is not so. "A superior and commanding human intellect," Mr. Webster has himself told us, "a truly great man, when Heaven vouchsafes so rare a gift, is not a temporary flame, burning brightly for a while, and then giving place to returning darkness. It is rather a spark of fervent heat, as well as radiant light, with power to enkindle the common mass of human mind; so that when it glimmers in its own decay, and finally goes out in death, no night follows, but it leaves the world all light, all on fire, from the potent contact of its own spirit." No, sir, our great men do *not* wholly die. All that they achieved worthy of remembrance survives them. They live in their recorded actions; they live in their bright examples; they live in the respect and gratitude of mankind; and they live in that peculiar influence by which one single commanding thought, as it runs along the electric chain of human affairs, sets in motion still other thoughts and influences, in endless progression, and thus makes its author an active and powerful agent in the events of life, long after his mortal portion shall have crumbled in the tomb.

Let us thank God for this immortality of worth, and rejoice in every example which is given to us of what our nature is capable of accomplishing. Let it teach us, not despair, but courage, and lead us to follow in its light, at however great a distance, and with however unequal steps This is the lesson of wisdom, as well as of poetry.

"Lives of great men all remind us
We can make our lives sublime,
And, departing, leave behind us
Footprints on the sands of Time;

"Footprints that perhaps another,
Sailing o'er life's solemn main,
A forlorn and shipwreck'd brother,
Seeing, may take heart again."

When God shall send his Angel to *us*, Mr. Speaker, bearing the scroll of death, may we be able to bow our heads to his mission with as much of gentleness and resignation as marked the last hours of DANIEL WEBSTER!

VIII.

MR. PRESTON.

Mr. SPEAKER: I have been requested, by some of the gentlemen who compose the delegation from my State, to make some remarks upon the subject of the message and resolutions received from the Senate, which have been laid upon your table this morning, in relation to the death of Mr. Webster. It was, in their opinion, peculiarly appropriate that Kentucky—a State so long associated with Massachusetts in political sympathy, as well as in reciprocal admiration entertained for two of the most eminent men of their day—should come forward and add her testimonial of the esteem in which she held his life and great public services, and the regret she experienced at the calamity which has befallen the country. The mind naturally goes back, in looking over the great career of Daniel Webster, to the period of his birth—seventy years ago. In the northern part of the State of New Hampshire, beneath the roof of his pioneer father, the future statesman first drew the breath of life, and imbibed, amid its picturesque scenery and wild mountains, that freedom of thought, that dignity, and that intellectual health which left so indelible a mark upon his oratory and public career in after-life. No man has earned a greater reputation, in the present time, in forensic endeavor, than Mr. Webster, nor any whose reputation could challenge comparison, unless it be one who was also born in a similar obscure station of life, amid the marshes of Hanover, and whose future led him to cross the summit of the Appalachian range with the great tide of population which poured from Virginia upon the fertile

plains of Kentucky. Their destiny has been useful, great, and brilliant. From that period to this, these celebrated contemporaries have been conspicuous in the career of public utility to which they devoted their lives, and by their intellectual superiority and dignified statesmanship have commanded not only the respect of their several States, but of the nation and of mankind. For forty years they swayed the councils of their country, and the same year sees them consigned to the grave. The statesman of Ashland died in this city, before the foliage of summer was sere, and was sent, with the honors of his country, back to the resting-place which he now occupies in the home of his early adoption. The winds of autumn have swept the stern New England shores—the shores of Plymouth, where the Pilgrim Fathers landed—and caught up the expiring breath of Daniel Webster as he terminated his life of honorable service. The dirges that the night-winds now utter through the primeval forests of Ashland lament for one; the surges of the wintry ocean, as they beat upon the shores of Marshfield, are a fitting requiem to the other.

There are two points of particular prominence in the life of Webster to which I will allude. All remember the celebrated struggle of 1830. The greatest minds of the country, seeing the constitutional questions involved from different points of view, were embroiled in controversy. The darkest apprehensions were entertained. A gallant and gifted Senator from South Carolina, (General Hayne,) with a genius and fire characteristic of the land of his birth, had expressed the views of his party with great ability, and, as it was thought, with irresistible eloquence. The eyes of the country were directed to Webster as the champion of the Constitution and the Union. Crowds of beautiful women and anxious men on that day thronged the other wing of this Capitol. What patriotic heart in the nation has yet forgotten that noble and memorable reply? A deep and enthusiastic sentiment of admiration and respect thrilled through the heart of the people, and even yet the triumph of that son of New England is consecrated in the memory of his countrymen. Subsequently, the Chief Magistrate of the Union, President Jackson, announced opinions of a similar character in his celebrated

Proclamation, and men of all parties felt that a new rampart had been erected for the defence of the Constitution.

At a period more recent, within the remembrance of all, Daniel Webster again appeared in another critical emergency that imperilled the safety of the Republic. It was the 7th of March, 1850. Excited by the Territorial question, the spirit of fanaticism broke forth with fearful violence from the North. But it did not shake his undaunted soul. He gazed with majestic serenity at the storm, and, sublime in his self-reliance, as Virgil describes Mezentius surrounded by his enemies,

> "He, like a solid rock by seas enclosed,
> To raging winds and roaring waves exposed,
> From his proud summit looking down, disdains
> Their empty menace, and unmoved remains."

A great portion of the fame of Daniel Webster rests upon the events of that day, and his patriotism having endured the tempest, his reputation shone with fresh lustre after it had passed. Clay and Webster on that day stood linked hand in hand, and averted the perils that menaced their common country. In the last great act of their lives in the Senate, they drew closer the bonds of union between the North and South, like those lofty Cordilleras that, stretching along the Isthmus of Panama, bind in indissoluble bonds Northern and Southern America, and alike beat back from their rocky sides the fury of either ocean. These, Mr. Speaker and gentlemen of the House, are the memories that make us in our Western homes revere the names of Clay and Webster.

The gentleman from Massachusetts, (Mr. Davis,) in his eloquent tribute to the genius and fame of Daniel Webster, has chosen to apply to him the remark by which Cicero characterizes Brutus—"*Quidquid vult, valde vult.*" If he will pardon me, I think the description applied by the great orator whom he has quoted to Gracchus is more striking: "*Eloquentia quidem nescio an habuisset parem: grandis est verbis, sapiens sententiis, genere toto gravis.*" If, however, a resemblance prevailed in this respect between Caius Gracchus and Webster, it did not in others. Gracchus, as we are told, was the first Roman orator who turned his

back to the capitol and his face to the people; the popular orators of Rome, anterior to that time, having always turned their faces to the Senate and their backs to the Forum. Webster never sought to subvert the judgment of the people by inflaming their passions. His sphere was among men of intellect. His power was in convincing the minds of the cultivated and intellectual, rather than by fervid harangues to sway the ignorant or excite the multitude. Clay—bold, brilliant, and dashing, rushing at results with that intuition of common sense that outstrips all the processes of logic—always commanded the heart and directed the action of his party. Webster seemed deficient in some of these great qualities, but surpassed him in others. He appeared his natural auxiliary. Clay, the most brilliant parliamentary leader, and probably unequalled, save by the Earl of Chatham, whom he resembled, swept with the velocity of a charge of cavalry on the ranks of his opponents, and often won the victory before others were prepared for the encounter. Webster, with his array of facts, his power of statement, and logical deductions, moved forward like the disciplined and serried infantry, with the measured tread of deliberate resolution and the stately air of irresistible power.

Daniel Webster is dead. He died without ever having been elevated to the Presidency of the nation. Camillus, the second founder of Rome, never enjoyed the Consulate; but he was not less illustrious because he was not rewarded by the fasces and the consular purple. Before the lustre of Webster's renown, a merely Presidential reputation must grow pale. He has not only left a reputation of unsurpassed lustre in the Senate, but he will also pass down to posterity as the ablest and most profound jurist of his day. As an orator, he had not, as has been correctly observed by a Senator from New York, the vehemence of Demosthenes, nor the splendor of Cicero; but still Daniel Webster was an orator—an orator marked by the characteristics of the Teutonic race—bold, massive, and replete with manly force and vigor. His writings are marked by a deep philosophy which will cause them to be read when the issues that evoked them have passed away, and the splendor of an imagination, almost as rich as that of Burke, will invest them with at-

tractions alike for the political scholar and the man of letters.

We should not deplore the death of Webster. It is true the star has shot from the sphere it illuminated, and is lost in the gloom of death; but he sank full of years and honors, after he had reached the verge of human life, and before his majestic intellect was dimmed or his body bowed down by old age. He did not sink into his grave, like Marlborough, amid the mists of dotage; but he went while his intellect was unclouded, and the literary remembrances of his youth came thronging to the dying bed of their votary. Napoleon, when he was expiring at St. Helena, muttered disconnected words of command and battle, that showed his turbulent mind still struggled in imaginary conflicts; but gentler spirits brought to the death-bed of the statesman of Marshfield more consoling memories as he murmured,

"The curfew tolls the knell of parting day,"

and all the tender and mournful beauties of that inimitable elegy clustered around his soul.

But, sir, I will not venture to say more on this theme. I have said thus much in the name of my native State, to testify her veneration for worth, patriotism, and departed greatness, and to add with proper reverence a handful of earth to the mound a nation raises to the memory of the GREAT SECRETARY, and to say, Peace be to the manes of Webster.

IX.

MR. SEYMOUR, of New York, said:—

Mr. SPEAKER: I rise in support of the resolutions offered by the gentleman from Massachusetts, and in that connection propose to submit a few remarks.

Sir, our great men are the common property of the country. In the days of our prosperity, we boast of their

genius and enterprise as they advance the general weal. In the hour of a nation's peril, the shadow of their great name is the gathering-point, whither we all turn for guidance and defence; and whether their laurels have been gathered on the battle-field, in sustaining our rights against hostile nations—in the halls of logislation, devising and enacting those wise and beneficent laws which, by developing the resources, instructing the mind, and directing the energies of the nation, may be traced on the frame-work of society long after their authors have ceased to exist—or in the temple of justice or the sacred desk, regulating the jarring elements of civil life, and making men happier and better —they are all parts of one grand exhibition, showing, through all coming time, what the men of the present age and of our nation have done for the elevation and advancement of our race. To chronicle these results of human effort, and to transmit them to future ages, is the province of history. In her temple, the great and the good are embalmed. There they may be seen and read by all those who, in future generations, shall emulate their great deeds. Time, whose constant flow is continually obliterating and changing the physical and social relations of all things, cannot efface the landmarks which they have raised along the pathway of life. The processes by which they attained the grand result, and the associations by which they at the time were surrounded, are unknown or forgotten, while we contemplate the monuments which their genius and heroism have raised.

Who that reads the story of the battle of Marathon, by which the liberties of Athens were rescued from Persian despotism, stops to inquire to what party in that republic Miltiades belonged? Who that listens to the thunders of Demosthenes, as he moves all Greece to resist the common enemy, attempts to trace his political associations? So it will be in the future of this republic. The battle of New Orleans will disclose Jackson, the hero and the patriot, saving his country from her enemies. The debates of the Senate-Chamber will exhibit Clay, Calhoun, and Webster, illustrating and defending the great principles of our Government by their lofty patriotism and eloquence. On neither picture will be observed whatever we of the present

time may judge to have savored of the mere politician and the partisan. We, from our near proximity, may see, or think we see, the ill-shapen rocks and the unseemly caverns which disfigure the sides of these mighty Alpine peaks. Future ages will only descry their ever-gilded summits

> "Who, then, shall lightly say that Fame
> Is but an empty name?
> When, but for these our mighty dead,
> All ages past a blank would be,
> Sunk in Oblivion's murky bed—
> A desert bare—a shipless sea.
> They are the distant objects seen,
> The lofty marks of what hath been;
> Where memory of the mighty dead,
> To earth-worn pilgrims' wistful eye
> The brightest rays of cheering shed
> That point to immortality."

Sir, I shall not attempt here to even briefly review the public life or delineate the true character of Daniel Webster. That public life, extending through more than forty years of the growth and progress of our country, will doubtless be sketched by those of his compeers who have shared with him in his public service. That character, too, will best be drawn by those intimate friends who knew him best, and who enjoyed the most favorable opportunities for observing the operations of his giant mind.

In looking at what he has achieved, not only in the fields of legislation, but in those of literature and jurisprudence, I may say he has left a monument of his industry and genius of which his countrymen may well be proud. His speeches in the Senate and before the assemblies of the people, and his arguments before our highest courts, taken together, form the most valuable contribution to American literature, language, and oratory which it has been the good fortune of any individual to have yet made. Were I to attempt it, I should be unable to determine on which of the varied scenes of his labors his genius and talents stood pre-eminent.

His argument in the Dartmouth College case has ever been regarded as a model of forensic debate, exhibiting

the rare combination of the dry logic of the law with the tender, the beautiful, and the sublime. His address before the Historical Society of New York not only exhibited a thorough acquaintance with ancient and modern literature, but was itself a gem whose brilliancy will never cease to attract, even by the side of the great lights of the literary world. *The speech* in the Senate in reply to Hayne, by its powerful argumentation, its sublimity, and patriotic fervor, placed him at once, by the common consent of mankind, in the front rank of orators.

But I cannot on this occasion review a life replete with incidents at once evincing the workings of a great mind, and marking important events in the history of the country. I can here only speak of his labors collectively. They were the result of great effort—grand in their conception, effective in their execution, and permanent in their influences.

As a son of his native New England, I am proud to refer back to the plain and unostentatious manners, the rigid discipline, and the early and thorough mental training to be found among the yeomanry of that part of our country, as contributing primarily to the eminent success of Mr. Webster in the business of his life. Born, reared, and educated among the granite hills of New Hampshire, although his attachments to the place of his birth were strong to the last, yet, upon the broad theatre upon which he was called to act his part as a public man, his sympathies and his patriotism were bounded only by the confines of the whole republic.

Although, in common with many of us, I differed in opinion from the late Secretary of State upon grave political questions, yet, with the great mass of our fellow-citizens, I acknowledge his patriotism, and the force and ability with which he sustained his own opinions. However we may view those opinions, one thing will be conceded by all: his feelings were thoroughly American, and his aim the good of his country. In his whole public life, and by his greatest efforts as an orator, he has left deeply impressed on the American mind one great truth, never to be forgotten—*the preservation of American liberty depends upon the support of the Constitution and the Union of*

the States. To have thus linked his name indissolubly with the perpetuity of our institutions is enough of glory for any citizen of the republic.

X.

MR. CHANDLER said:

Mr. SPEAKER: The selection of the present time to make special and official reference to the death of Mr. Webster may be regarded as fortunate and judicious. An earlier moment would have exposed our eulogies to those exaggerations which, while they do justice in some measure to the feelings whence they spring, are no proofs of sound judgment in the utterer, nor sources of honor to their lamented object. The great departed owe little to the record of their worth, which is made in the midst of sudden emotions, when the freshness of personal intercourse mingles with recollections of public virtues, and the object observed through the tears of recent sorrow, bears with it the prismatic hues which distort its fair proportions, and hide that simplicity which is the characteristic of true greatness. And equally just is it to the dead whom we would honor, and to our feelings which would promote that honor, that we have not postponed the season to a period when time would so have mitigated our just regret as to direct our eulogies only to those lofty points of Mr. Webster's character which strike but from afar; which owe their distinction less to their affinities with public sympathy than to their elevation above ordinary ascent and ordinary computation.

That distance, too, in a government like ours, is dangerous to a just homage to the distinguished dead, however willing may be the survivor; for smaller objects intervene, and by proximity hide the proportions which we survey from afar, and diminish that just appreciation which is necessary to the honorable praise that is to perpetuate public fame.

Mr. Webster was a distinguished statesman,—tried, sir, in nearly all the various positions which, in our Government, the civilian is called on to fill, and in all these places the powers of a gifted mind, strengthened and improved by a practical education, were the great means by which he achieved success, and patriotism the motive of their devotion. With all Mr. Webster's professional greatness, with all his unrivalled powers in the Senate, with his great distinction as a diplomatist, he was fond of credit as a scholar; and his attainments, if not of the kind which gives eminence to merely literary men, were such as gave richness and terseness to his own composition, and vigor and attraction to his conversation. His mind was moulded to the strong conception of the epic poet, rather than the gentle phrase of the didactic; and his preference for natural scenery seemed to partake of his literary taste—it was for the strong, the elevated, the grand. His childhood and youth joyed in the rough sides of the mountains of New Hampshire, and his age found a delightful repose on the wild shores of Massachusetts Bay. He was a lover of Nature, not in her holiday suit of field and flower, but in those wild exhibitions of broken coast and isolated hills, that seem to stir the mind into activity, and provoke it into emulation of the grandeur with which it is surrounded. Yet, sir, Mr. Webster had with him much of the gentleness which gives beauty to social life, and dignity and attraction to the domestic scene, just as the rugged coast is often as placid as the gentlest lake, and the summit of the roughest hill is frequently bathed in the softest sunlight, and clad in flowers of the most delicate hues. Mr. Webster's person was strongly indicative of the character of his mind; not formed for the lighter graces, but graceful in the noblest uses of manhood; remarkable in the stateliness of his movements, and dignified in the magnificence of its repose. Mr. Webster could scarcely pass unnoticed, even where unknown. There was that in his mien which attracted attention, and awakened interest; and his head, (whether his countenance was lighted by a smile, such as only he could give, or fixed by contemplation, such as only he could indulge) seemed an

"arch'd and ponderous roof,
By its own weight made steadfast and immovable,
Looking tranquillity!"

With all Mr. Webster's lofty gifts and attainments, he was *ambitious*. Toiling upward from the base of the political ladder, it is not to be denied that he desired to set his foot upon the utmost round. This could not have been a thirst for power: nothing of a desire for the exercise of absolute authority could have been in that aspiration; for the only absolute power left (if any be left) by the Constitution in the Executive of this nation is "MERCY." In Mr. Webster it was the distinction which the place conferred, and the sphere of usefulness it presented. He regarded it as the crowning glory of his public life—a glory earned by his devotion of unparalleled talents and unsurpassed statemanship. This ambition in Mr. Webster was modesty. He could not see, as others saw and felt, that no political elevation was necessary to the completion of his fame or the distinction of his statesmanship. It was not for him to understand that the last round of political preferment, honorable as it is, and made more honorable by the lustre which purity of motive, great talents, and devoted patriotism are now shedding down upon it,—he could not understand that preferment, honorable as it is, was unnecessary to him; that it could add nothing to his political stature, nor enlarge the horizon of his comprehensive views. It is the characteristic of men of true greatness, of exalted talents, to comprehend the nature and power of the gifts they possess. That, sir, is a homage to God, who bestows them. But it is also their misfortune to be dissatisfied with the means and opportunities they have possessed to exercise those gifts to great national purposes. This is merely distrust of themselves. The world, sir, comprehends the uses of the talents of great statesmen, and gives them credit for their masterly powers, without asking that those powers should be tried in every position in which public men may be placed.

I see not in all the character, gifts, and attainments of Mr. Webster, any illustration of the British orator's exclamation, relative to "the shadows which we are;" nor

do I discover in the splendid career and the aims of his lofty ambition any thing to prove "what shadows we pursue."

The life of such a man as Daniel Webster is one of solid greatness; and the objects he pursued are worthy of a being made in the image of God. A life of honorable distinction is a substantive and permanent object. The good of man, and the true glory and happiness of his country, are the substantial things, the record of which generation hands down to generation, inscribed with the name of him who pursued them.

I will not, sir, trespass on this House by any attempt to sketch the character, or narrate the services of Mr. Webster; too many will have a share in this day's exercise to allow one speaker so extensive a range. It is enough for me, if, in obeying the indications of others, I give to my effort the tone of respect with which the statesman and the patriot, Webster, was regarded, as well by the nation at large as by those whom I have the honor to represent on this floor. And in the remarks of those whose means of judging have been better than mine, will be found his characteristics of social and domestic life.

How keenly Mr. Webster relished the relaxations which public duties sometimes allowed, I had an opportunity of judging; for he loved to call to my recollections scenery which had been familiar to me in childhood, as it was lovely to him in age. The amusements, in which he gratified a manly taste in the midst of that scenery, were promotive of physical recuperation, rendered necessary by the heavy demands of professional or official life. He was stimulated to thought by the activity which the pursuits on land required, or led to deep contemplation by the calmness of the ocean on which he rested. Though dying in office, Mr. Webster was permitted to breathe his last in those scenes made classical to others by his uses, and dear to him by their ministrations to, and correspondence with, his taste.

The good of his country undoubtedly occupied the last moments of his ebbing life; but those moments were not disturbed by the immediate pressure of official duties; and in the dignity of domestic quiet, he passed onward; and

while at a distance communities awaited in grief and awe the signal of his departure, the deep diapason of the Atlantic wave, as it broke upon his own shore, was a fitting requiem for such a parting spirit.

XI.

MR. BAYLY, of Virginia, remarked:

I had been, sir, nearly two years a member of Congress before I made Mr. Webster's acquaintance. About that time a proceeding was instituted here, of a delicate character so far as he was concerned, and incidentally concerning an eminent constituent and friend of mine. This circumstance first brought me into intercourse with Mr. Webster. Subsequently, I transacted a good deal of official business with him, some of it also of a delicate character. I thus had unusual opportunities of forming an opinion of the man. The acquaintance I made with him, under the circumstances to which I have referred, ripened into friendship. It is to these circumstances that I, a political opponent, am indebted for the honor, as I esteem it, of having been requested to say something on this occasion.

From my early manhood, of course, sir, I have been well acquainted with Mr. Webster's public character, and I had formed my ideal of him as a man; and what a misconception of it was that ideal! Rarely seeing him in public places, in familiar intercourse with his friends, contemplating his grave, statue-like appearance in the Senate and the Forum, I had formed the conception that he was a frigid, iron-bound man, whom few could approach without constraint; and I undertake to say that—until of late years, in which, through personal sketches of him by his friends, the public has become acquainted with his private character—such was the idea most persons who knew him

only as I did formed of him. Yet, sir, what a misconception! No man could appreciate Mr. Webster who did not know him privately. No man could appreciate him who did not see him in familiar intercourse with his friends, and especially around his own fireside and table. There, sir, he was confiding, gay, and sometimes downright boyish. Full of racy anecdotes, he told them in the most captivating manner.

Who that ever heard his descriptions of men and things can ever forget them? Mr. Webster, sir, attached a peculiar meaning to the word *talk*, and in his sense of the term he liked to talk; and who that ever heard him talk can forget that talk? Sometimes it was the most playful wit, then the most pleasing philosophy. Mr. Webster, sir, owed his greatness, to a large extent, to his native gifts.

Among his contemporaries there were lawyers more learned, yet he was, by common consent, assigned the first place at the American bar. As a statesman, there were those more thoroughly informed than he, yet what statesman ranked above him? Among orators there were those more graceful and impressive, yet what orator was greater than he? There were scholars more ripe, yet who wrote better English? The characteristics of his mind were massive strength and classic beauty, combined with a rare felicity. His favorite studies, if I may judge from his conversations, were the history and the Constitution of his own country, and the history and the Constitution of England; and I undertake to say that there is not now a man living who was more perfectly familiar with both. His favorite amusements, too, if I may judge in the same way, were field-sports and out-door exercise. I have frequently heard Mr. Webster say, if he had been a merchant, he would have been an out-door partner. Mr. Webster was, as all great men are, eminently magnanimous. As proof of this, see his whole life, and especially that crowning act of magnanimity,—his letter to Mr. Dickinson. Mr. Webster had no envy or jealousy about him—as no great man ever had. Conscious of his own powers, he envied those of no one else. Mr. Calhoun and himself entered public life about the same time; each of them strove for

the first honors of the Republic. They were statesmen of rival schools. They frequently met in the stern encounter of debate, and when they met the conflict was a conflict of giants. Yet how delightful it was to hear Mr. Webster speak, as I have heard him speak, in the most exalted terms of Calhoun; and how equally delightful it was to hear Mr. Calhoun, as I have heard him, speak in like terms of Webster! On one occasion, Mr. Calhoun, speaking to me of the characteristics of Webster as a debater, said that he was remarkable in this—that he always stated the argument of his antagonist fairly, and boldly met it. He said he had even seen him state the argument of his opponent more forcibly than his opponent had stated it himself; and, if he could not answer it, he would never undertake to weaken it by misrepresenting it. What a compliment was this, coming, as it did, from his great rival in constitutional law! I have also heard Mr. Calhoun say that Mr. Webster tried to aim at truth more than any statesman of his day.

A short time since, Mr. Speaker, when addressing the House, at the invitation of the delegation from Kentucky, on the occasion of Mr. Clay's death, I used this language:

"Sir, it is but a short time since the American Congress buried the first one that went to the grave of that great triumvirate, (Calhoun.) We are now called upon to bury another, (Clay.) The third, thank God! still lives; and long may he live to enlighten his countrymen by his wisdom, and set them the example of exalted patriotism. [Alas! how little did I think, when I uttered these words, that my wish was so soon to be disappointed!] Sir, in the lives and characters of these great men there is much resembling those of the great triumvirate of the British Parliament. It differs principally in this: Burke preceded Fox and Pitt to the tomb. Webster survives Clay and Calhoun. When Fox and Pitt died, they left no peer behind them. Webster still lives, now that Calhoun and Clay are dead, the unrivalled statesman of his country. Like Fox and Pitt, Clay and Calhoun lived in troubled times. Like Fox and Pitt, they were each of them the leader of rival parties. Like Fox and Pitt, they were

idolized by their respective friends. Like Fox and Pitt, they died about the same time, and in the public service; and, as has been said of Fox and Pitt, Clay and Calhoun died with 'their harness upon them.' Like Fox and Pitt—

> "'With more than mortal powers endow'd,
> How high they soar'd above the crowd!
> Theirs was no common party race,
> Jostling by dark intrigue for place.
> Like fabled gods their mighty war
> Shook realms and nations in its jar.
> Beneath each banner, proud to stand,
> Look'd up the noblest of the land.
> * * * * * *
> *Here let their discord with them die.*
> Speak not for those a separate doom
> Whom fate made brothers in the tomb;
> But search the land of living men,
> Where wilt thou find their like again?'"

I may reproduce on this occasion, with propriety, what I then said, with the addition of the names of Burke and Webster. The parallel that I undertook to run on that occasion, by the aid of a poet, was not designed to be perfect, yet it might be strengthened by lines from another poet. For though Webster's enemies must admit, as Burke's satirist did, that—

> "Too fond of *the right* to pursue *the expedient*,"

yet, what satirist, with the last years of Webster's life before him, will undertake to shock the public sentiment of America by saying, as was unjustly said of Burke by his satirist—

> "Born for the universe, he narrow'd his mind,
> And to party gave up what was meant for mankind"?

Mr. Speaker, during the brief period I have served with you in this House, what sad havoc has Death made among the statesmen of our Republic! Jackson, Wright, Polk, McDuffie, and Sergeant, in private life, and Woodbury, from the bench, have gone to the tomb! We have buried in that short time Adams, Calhoun, Taylor, and Clay, and we are now called on to pay the last tribute of our respect

to the memory of Daniel Webster. Well may I ask, in the language of the poem already quoted—

"Where wilt thou find their like again?"

There was little, I fear, in the history of the latter days of some of those great men to whom I have alluded to inspire the young men of our country to emulate them in the labors and sacrifices of public life. Yet there never was a time when there was a stronger obligation of patriotic duty on us to emulate them in that respect than now.

They followed one race of Revolutionary statesmen—they were the second generation of statesmen of our country. With one or two brilliant exceptions, that second generation has passed away, and those that now have charge of public affairs, with the exceptions referred to, are emphatically new men. God grant we have the patriotism to follow faithfully in the footsteps of those who preceded us!

XII.

MR. STANLEY said:

Mr. SPEAKER: I feel that it is proper and becoming in me, as the representative of a people who claim the reputation of Daniel Webster as part of their most valuable property, to add a few words to what has been already said. I do not think that it is necessary to his fame to do so. I have no idea of attempting a eulogy on Daniel Webster. It would be presumptuous to attempt it. Long before my entrance into public life, I heard from an illustrious citizen of my native State, (the late Judge Gaston,) that Mr. Webster, who was his contemporary in Congress, gave early indication of the wonderful abilities which he afterward displayed. There were giants in the land in those days, and by them Webster was regarded as one who would earn great distinction. Before he reached the height of

his fame the young men in our land had been taught to respect him. This was the feeling of those who came forward on the stage of life with me. In what language, then, can I express my admiration of those splendid abilities which have delighted and instructed his countrymen, and charmed the lovers of republican government throughout the earth? How shall I find fitting terms to speak of his powers in conversation—his many good qualities in social life—his extraordinary attainments—his exalted patriotism? Sir, I shrink from the task.

Gifted men from the pulpit, eloquent Senators at home and in the Senate, orators in Northern and Southern and Western States, have gratified the public mind by doing honor to his memory. To follow in a path trodden by so many superior men requires more boldness than I possess. But I cannot forbear to say that we North Carolinians sympathize with Massachusetts in her loss. We claim him as our Webster, as we do the memories of her great men of the Revolution. Though he has added glory to the bright name of Massachusetts, he has been the defender of that Constitution which has surrounded, with impregnable bulwarks, the invaluable blessings of civil liberty. When he made Massachusetts hearts throb with pride that she had such a man to represent her in the councils of the nation, we, too, felt proud at her joy, for her glory is our glory.

Faneuil Hall is in Boston, and Boston in Massachusetts; but the fame of those whose eloquence from those walls fanned the fire of liberty in the hearts of American patriots, and made tyrants tremble on their thrones, is the fame of the American people.

Faneuil Hall! Daniel Webster! What glorious associations do these words recall!

The American patriot who hereafter performs his pilgrimage to that time-honored hall, and looks at his portrait, appropriately placed there, will involuntarily repeat what the poet said of the Webster of poets:

> "Here Nature listening stood, while Shakspeare play'd,
> And wonder'd at the work herself had made."

Daniel Webster was to the Revolutionary patriots of

Massachusetts, to the founders of our Constitution in the Old Thirteen States, what Homer was to the ancient heroes. Their deeds would have lived without him. Their memories would have been cherished by their countrymen had Webster never spoken. But who can say that his mighty ability, his power of language, unequalled throughout the world—who can say he has not embalmed their memories, painted their deeds in beautiful drapery, and by the might of his genius held them up in captivating form to his countrymen? Who is there on the habitable globe, wherever man is struggling for freedom, wherever Washington's name is heard and reverenced—who is there who will ever read the history of those immortal men who achieved our liberties, and founded with almost supernatural wisdom our Constitution and republican form of government—who can ever read the history of these great men without saying, they achieved much, they performed great and noble deeds, but Webster's oratory has emblazoned them to the world and erected monuments to their memories more enduring than marble? Can man aspire to higher honor than to have his name associated with such men? This honor, by universal consent, Daniel Webster, the son of a New Hampshire farmer, has secured. Wherever liberty is prized on earth, in whatever quarter of the globe the light of our "great republic" is seen, sending its cheering beams to the heart of the lonely exile of oppression—in that land, and to that heart, will the name of Webster be held in grateful remembrance. As we cannot think of the founders of our Republic without thinking of Webster, we cannot speak of his services properly except in his own words. How many of us, in and out of Congress, since his death, have recalled his memorable words, in his eulogium on Adams and Jefferson! Hear him in that discourse:

"Adams and Jefferson, I have said, are no more. As human beings, indeed, they are no more. They are no more, as in 1776, bold and fearless advocates of independence; no more, as on subsequent periods, the head of the Government; no more, as we have recently seen them, aged and venerable objects of admiration and regard. They are no more. They are dead. But how little is there of the great and good which can die! To their

country they yet live, and live forever. They live in all that perpetuates the remembrance of men on earth; in the recorded proofs of their great actions; in the offspring of their intellect; in the deep and grave lines of public gratitude, and in the respect and homage of mankind. They live in their example; and they live, emphatically, and will live, in the influence which their lives and efforts, their principles and opinions, now exercise, and will continue to exercise, on the affairs of men, not only in their country, but throughout the civilized world. A superior and commanding human intellect, a truly great man, when Heaven vouchsafes so rare a gift, is not a temporary flame, burning bright for a while, and then expiring, giving place to returning darkness. It is rather a spark of fervent heat as well as radiant light, with power to enkindle the common mass of human mind; so that when it glimmers in its own decay, and finally goes out in death, no night follows, but it leaves the world all light, all on fire, from the potent contact of its own spirit. Bacon died, but the human understanding, roused by the touch of his miraculous wand to a perception of the true philosophy, and the just mode of inquiring after truth, has kept on its course, successfully and gloriously. Newton died, yet the courses of the spheres are still known, and they yet move on in the orbits which he saw and described for them in the infinity of space."

Who can hear these words without feeling how appropriate and applicable to the great American statesman? To his country he "still lives," and will live forever.

Mr. Speaker, I fear to go on. The thoughts which are in my mind are not worthy of the great subject. I have read and heard so much from the able, learned, and eloquent of our land in his praise, I shrink from attempting to add any thing more.

In justice to the feelings of those I represent, I felt solicitous to cast my pebble on the pile which was erecting to his memory. They venerate his memory, not only for those services to which I have referred, but also for his later exhibitions of patriotism, in stemming the torrent of temporary excitement at home. The year 1852, Mr. Speaker, will long be memorable in the annals of our

country. In this year, three great lights of our age and our country have gone out. But a few months since, the voice of lamentation was heard from the Atlantic to the Pacific shore that Henry Clay was no more. The sounds of sorrow had scarcely died in our ears, when inexorable Death, striking with remorseless hand at the cottage of the peasant and the palace of the great—Death, as if to send terror to our souls by showing us that the greatest in place and in genius are but men—has destroyed all that was mortal of Daniel Webster.

And even while we were celebrating his obsequies, the sagacious statesman, the wise counsellor, the pure and upright man, John Sergeant, of Pennsylvania—the man who more happily combined the *suaviter in modo* with the *fortiter in re* than any public man I ever met with—the model of that best of all characters, a Christian gentleman, always loving "whatsoever things are true, honest, just, lovely, and of good report,"—John Sergeant is called to that beatific vision reserved for "the pure in heart."

Let it be our pleasure, as it will be our duty, to teach those who come after us to imitate the private virtues, remember the public services, and cherish the reputation of these illustrious men. And while we do this, let us cherish, with grateful remembrance and honest pride, the thought that these great men were not only lovers of liberty, friends of republican institutions, and patriots devoted to the service of their country, but that they were, with sincere conviction, believers in the Christian religion. Without this praise, the Corinthian column of their characters would be deprived at once of the chief ornament of its capital and the solidity of its base.

I fervently hope the lessons we have had of the certainty of death will not be lost upon us. May they make us less fond of the pleasures of this world, so rapidly passing away! May they cause those who are in high places of trust and honor to remember, now in the days of health, manhood, and prosperity, that

> "The boast of heraldry, the pomp of power,
> And all that beauty, all that wealth, e'er gave
> Await alike the inevitable hour:
> The paths of glory lead but to the grave!"

XIII.

MR. TAYLOR, of Ohio, said:

Mr. SPEAKER: In the Congress of 1799, when the announcement of the death of General Washington was made in this body, appropriate resolutions were passed to express the high appreciation of the representatives of the people of the pre-eminent public services of the Father of his Country, and profound grief for their loss. His death was considered a great national calamity; and, in the beautiful and appropriate language of General Henry Lee, who prepared the resolutions introduced by John Marshall, he was proclaimed as having been "first in war, first in peace, and first in the hearts of his countrymen." The whole nation cordially responded to that sentiment, and from that day to this, the high eulogium has been adopted by the people of the United States of America, as the just and expressive tribute to the greatest man, take him all in all, that our country had then, or has since, produced. Time rolled on, and the sentiment of his own country has, of late years, become the intelligent opinion of the whole world. And in proof of this I might cite, among others, the deliberately-recorded opinions of the late premier Guizot, of France, and the great though eccentric writer and statesman, Brougham, of England, men of vast celebrity.

Our country, then in its infancy, has grown up, in little more than half a century, to be the first republic in the world, having increased from three or four millions to nearly twenty-five millions of inhabitants, and extending from the Atlantic to the Pacific Ocean. During the present year the nation has been called upon to mourn the death of two of her distinguished citizens,—two men born since the establishment of our independence, cradled in the Revolution, and brought up, as it were, at the feet of the fathers of the republic, whose long public career has attracted to them and all that concerned them, more than to any others, the admiration, the gratitude, and the hope of the whole people. These men—Henry Clay and Daniel Webster—have both been gathered to their fathers during

the present year. When, during our last session, the official announcement was made in this House of the death of Henry Clay, I listened with heartfelt sympathy to the eloquent and beautiful eulogies then pronounced upon his character, and felt in the fulness of my heart the truest grief. As one of the representatives of the great and prosperous State of Ohio on this floor, I desired then to mingle my humble voice with those who eagerly sought to honor his memory. But no opportunity was afforded me, and I could only join with meekness of spirit and a bowed mind in the appropriate funeral honors which were rendered to the illustrious dead by Congress. And I only now desire to say, that no State in this Union, not even his own beloved Kentucky, more deeply felt the great loss which, in the death of Mr. Clay, the nation had sustained, than the State of Ohio; and the public meetings of her citizens, without distinction of party, in the city in which I reside, and many other parts of the State, expressed, in appropriate and feeling terms, their high estimate of his great public services, and their profound grief for his death.

And now, sir, since the adjournment of Congress, at its last session, he who co-operated with Mr. Clay in the legislative and executive departments, at various times for nearly forty years, and to whom, with his great compatriot, more than to any others, the people looked for counsel, and for security and peace,—he, too, has paid the debt of nature, and will never more be seen among men. The formal announcement in this body of the death of Daniel Webster has elicited just and eloquent tributes to his memory, and brings freshly to our view the beautiful traits of his private character, and his great and long-continued public services in the Senate and in one of the executive departments of the Government. In all that is said in commendation of the private virtues and pre-eminent public services of Daniel Webster I heartily concur; and I wish, sir, that I could find words sufficiently strong and appropriate to express what, in my judgment, were the great claims of these two eminent men upon the admiration and upon the gratitude of their countrymen. They were in many respects exemplars for the young men of

our country. Born (without any of the advantages conferred sometimes by wealth and position) in humble life; struggling with adversities in their earlier years, triumphing over all obstacles by their native strength of intellect, by their genius and by their persevering industry and great energy, they placed themselves in the very first rank of American statesmen, and for more than forty years were the great leaders of the American mind, and among the brightest guardians of their common country.

Sir, it was my good fortune to have known, for many years, both these great patriots, and to have enjoyed their friendship; and I think I but express the general sentiment of the intelligent people of this great country when I say that our country is, in a very large degree, indebted to them for its present unexampled prosperity, for its peace and domestic happiness, and for its acknowledged power and high renown all over the world. In my judgment, the words of the national legislature, so beautifully and aptly embodying the true character of the Father of his Country, were not more appropriately uttered then in reference to him than they might be applied now, so far as relates to the *civil* affairs and action of our Government within the last forty years, to Henry Clay and Daniel Webster; and it may be properly said of them, that, within that time, they have been, emphatically, "first in war, first in peace, and first in the hearts of their countrymen." But, sir, the great men of a country must die; and, if the great men of a country are pre-eminently good men, their loss is the more severely felt. Nothing human is perfect; and I am far from believing, much less from asserting, that the eminent men of whom I have spoken were without defects of character. But I believe their virtues so far outweighed the imperfections of their nature, that to dwell upon such defects, on this occasion, would be as unprofitable and futile as to object to the light, and heat, and blessings of the glorious sun, guided by the Omnipotent hand, because an occasional shadow or spot may be seen on his disk. These guardians of our country have passed away, but their works and good examples are left for our guidance, and are part of the lasting and valued possessions of this nation. And, Mr. Speaker,

"When the bright guardians of a country die,
The grateful tear in tenderness will start;
And the keen anguish of a reddening eye
Disclose the deep affliction of the heart."

XIV.

EDWARD EVERETT'S ADDRESS ON THE DEATH OF MR. WEBSTER, DELIVERED IN BOSTON.

Mr. Mayor and Fellow-Citizens: I never rose to address an assembly when I was so little fit, body or mind, to perform the duty; and I never felt so keenly how inadequate are words to express such an emotion as manifestly pervades this meeting, in common with the whole country. There is but one voice that ever fell upon my ear which could do justice to such an occasion. That voice, alas! we shall hear no more forever. No more at the bar will it unfold the deepest mysteries of the law; no more will it speak conviction to admiring Senates; no more in this hall, the chosen theatre of his intellectual dominion, will it lift the soul as with the swell of the pealing organ, or stir the blood with the tones of a clarion, in the inmost chambers of the heart.

We are assembled, fellow-citizens, to pour out the fulness of our feelings; not in vain attempt to do honor to the great man who is taken from us; most assuredly, not with the presumptuous hope on any part to magnify his name and his praise. They are spread throughout the land. From East to West, and from North to South, (which he knew, as he told you, only that he might embrace them in the arms of loving patriotism,) a voice of lamentation has already gone forth, such as has not echoed throughout the land since the death of him who was "first in war, first in peace, and first in the hearts of his countrymen."

You have listened, fellow-citizens, to the resolutions which have been submitted to you by Colonel Heard. I

thank him for offering them. It does honor to his heart, and to those with whom he acts in politics, and whom, I have no doubt, he well represents, that he has stepped forward so liberally on this occasion. The resolutions are emphatic, sir, but I feel that they do not say too much. No one will think that they overstate the magnitude of our loss, who is capable of appreciating a character like that of Daniel Webster. Who of us, fellow-citizens, that has known him—that has witnessed the masterly skill with which he would pour the full effulgence of his mind on some contested legal and constitutional principle, till what seemed hard and obscure became as plain as day; who that has seen him, in all the glory of intellectual ascendency,

"Ride on the whirlwind and direct the storm"

of parliamentary conflict; who that has drank of the pure, fresh air of wisdom and thought in the volumes of his writings; who, alas, sir, that has seen him

"in his happier hour
Of social pleasure, ill exchanged for power,"

that has come within the benignant fascination of his smile, has felt the pressure of his hand, and tasted the sweets of his fireside eloquence, will think that the resolutions say too much?

No, fellow-citizens, we come together not to do honor to him, but to do justice to ourselves. We obey an impulse from within. Such a feeling cannot be pent up in solitude. We must meet neighbor with neighbor, citizen with citizen, man with man, to sympathize with each other. If we did not, mute nature would rebuke us. The granite hills of New Hampshire, within whose shadow he drew his first breath, would cry shame: Plymouth Rock, which all but moved at his approach; the slumbering echoes of this hall, which rung so grandly with his voice, that "silent but majestic orator," which rose in no mean degree at his command on Bunker Hill,—all, all, would cry out at our degeneracy and ingratitude.

Mr. Chairman, I do not stand here to pronounce the

eulogy of Mr. Webster; it is not necessary. Eulogy has already performed her first offices to his memory. As the mournful tidings have flashed through the country, the highest officers of nation and State, the most dignified official bodies, the most prominent individuals, without distinction of party, the press of the country, the great voice of the land, all have spoken, and with one accord of opinion and feeling; with a unanimity that does honor at once to the object of this touching attestation, and to those who make it. The record of his life, from the humble roof beneath which he was born, (with no inheritance but poverty and an honored name,) up through the arduous paths of manhood, which he trod with lion heart and giant steps, till they conducted him to the helm of state,—this stirring narrative, not unfamiliar before, has, with melancholy promptitude, within the last three days, been again sent abroad through the length and breadth of the land. It has spread from the Atlantic to the Mississippi. Struggling poverty has been cheered afresh; honest ambition has been kindled, patriotic resolve has been invigorated; while all have mourned.

The poor boy at the village school has taken comfort as he has read that the time was when Daniel Webster, whose father told him he should go to college if he had to sell every acre of his farm to pay the expense, laid his head on the shoulder of that fond and discerning parent, and wept the thanks he could not speak. The pale student who ekes out his scanty support by extra toil has gathered comfort when reminded that the first jurist, statesman, and orator of the time earned with his weary fingers, by the midnight lamp, the means of securing the same advantages of education to a beloved brother. Every true-hearted citizen throughout the Union has felt an honest pride as he reperuses the narrative, in reflecting that he lives beneath a Constitution and a Government under which such a man has been formed and trained, and that he himself is compatriot with him. He does more, sir; he reflects with gratitude that in consequence of what that man has done and written, and said—in the result of his efforts to strengthen the pillars of the Union—a safer inheritance of

civil liberty, a stronger assurance that these blessings will endure, will descend to his children.

I know, Mr. Mayor, how presumptuous it would be to dwell on any personal causes of grief, in the presence of this august sorrow which spreads its dark wings over the land. You will not, however, be offended, if, by way of apology for putting myself forward on this occasion, I say that my relations with Mr. Webster run further back than those of almost any one in this community. They began the first year he came to live in Boston. When I was but ten or eleven years old, I attended a little private school in Short Street, (as it was then called; it is now the continuation of Kingston Street,) kept by the late Hon. Ezekiel Webster, the elder brother to whom I have alluded, and a brother worthy of his kindred. Owing to illness, or some other cause of absence on his part, the school was kept for a short time by Daniel Webster, then a student of law in Mr. Gore's office; and on this occasion, forty-seven or forty-eight years ago, and I a child of ten, our acquaintance, never interrupted, began.

When I entered public life, it was with his encouragement. In 1838, I acted, fellow-citizens, as your organ in the great ovation which you gave him in this hall. When he came to the Department of State, in 1841, it was on his recommendation that I, living in the utmost privacy beyond the Alps, was appointed to a very high office abroad; and, in the course of the last year, he gave me the highest proof of his confidence, in intrusting to me the care of conducting his works through the press. May I venture, sir, to add, that in the last letter but one which I had the happiness to receive from him, alluding with a kind of sad presentiment, which I could not then fully appreciate, but which now unmans me, to these kindly relations of half a century, he adds, "We now and then see stretching across the heavens a clear, blue, cerulean sky, without cloud, or mist, or haze. And such appears to me our acquaintance from the time when I heard you for a week recite your lessons in the little school-house in Short Street, to the date hereof," (21st of July, 1852.)

Mr. Chairman, I do not dwell upon the traits of Mr. Webster's public character, however tempting the theme.

Its bright developments in a long life of service are before the world; they are wrought into the annals of the country. Whoever in after-times shall write the history of the United States for the last forty years, will write the life of Daniel Webster; and whoever writes the life of Daniel Webster, as it ought to be written, will write the history of the Union from the time he took a leading part in its concerns. I prefer to allude to those private traits which show the MAN, the kindness of his heart, the generosity of his spirit, his freedom from all the bitterness of party, the unaffected gentleness of his nature. In preparing the new edition of his works, he thought proper to leave almost every thing to my discretion—as far as matters of taste are concerned. One thing only he enjoined upon me, with an earnestness approaching to a command. "My friend," said he, "I wish to perpetuate no feuds. I have sometimes, though rarely, and that in self-defence, been led to speak of others with severity. I beg you, where you can do it without wholly changing the character of the speech, and thus doing essential injustice to me, to obliterate every trace of personality of this kind. I should prefer not to leave a word that would give unnecessary pain to any honest man, however opposed to me."

But I need not tell you, fellow-citizens, that there is no one of our distinguished public men whose speeches contain less occasion for such an injunction. Mr. Webster habitually abstained from the use of the poisoned weapons of personal invective or party odium. No one could more studiously abstain from all attempts to make a political opponent personally hateful. If the character of our Congressional discussions has of late years somewhat declined in dignity, no portion of the blame lies at his door. With Mr. Calhoun, who, for a considerable portion of the time, was his chief antagonist, and with whom he was brought into most direct collision, he maintained friendly personal relations. He did full justice to his talent and character. You remember the feeling with which he spoke of him at the time of his decease. Mr. Calhoun, in his turn, entertained a just estimate of his great opponent's worth. He said, toward the close of his life, that of all the leading

men of the day, "there was not one whose political course had been more strongly marked by a strict regard to truth and honor than Mr. Webster's."

One of the resolutions speaks of a permanent memorial to Mr. Webster. I do not know what is contemplated, but I trust that such a memorial there will be. I trust that marble and brass, in the hands of the most skilful artists our country has produced, will be put in requisition to reproduce to us—and nowhere so appropriately as in this hall—the lineaments of that noble form and beaming countenance, on which we have so often gazed with delight. But, after all, fellow-citizens, the noblest monument may be found in his works. There he will live and speak to us and our children when brass and marble have crumbled into dust. As a repository of political truth and practical wisdom applied to the affairs of government, I know not where we shall find their equal. The works of Burke naturally suggest themselves to the mind as the only writings in our language that can sustain the comparison. Certainly no compositions in the English tongue can take precedence of those of Burke in depth of thought, reach of forecast, or magnificence of style. I think, however, it may be said, without partiality, either national or personal, that while the reader is cloyed at last with the gorgeous finish of Burke's diction, there is a severe simplicity and a significant plainness in Webster's writings that never tires. It is precisely this which characterizes the statesman in distinction from the political philosopher. In political disquisition elaborated in the closet, the palm must perhaps be awarded to Burke over all others, ancient or modern. But in the actual conflicts of the Senate, man against man, and opinion against opinion, in the noble war of debate, where measures are to be sustained and opposed on which the welfare of the country and the peace of the world depend, where often the line of intellectual battle is changed in a moment—no time to reflect—no leisure to cull words, or gather up illustrations—but all to be decided by a vote, although the reputation of a life may be at stake—all this is a very different matter, and here Mr. Webster was immeasurably the superior. Accordingly, we find historically (incredible as it sounds, and

what I am ready to say I will not believe, though it is unquestionably true) that these inimitable orations of Burke, which one cannot read without a thrill of admiration to his fingers' ends, actually emptied the benches of Parliament.

Ah, gentlemen, it was very different with our great parliamentary orator. He not only chained to their seats willing, or, if there were such a thing, unwilling Senators, but the largest hall was too small for his audience. On the memorable 7th of March, 1850, when he was expected to speak upon the great questions then pending before the country, not only was the Senate-chamber thronged to its utmost capacity at an early hour, but all the passages to it, the rotunda of the Capitol, and even the avenues of the city, were alive with the crowds who were desirous of gaining admittance. Another Senator, not a political friend, was entitled to the floor. With equal good taste and feeling, he stated that "he was aware that great multitudes had not come together to hear him; and he was pleased to yield the floor to the only man, as he believed, who could draw together such an assembly." This sentiment, the effusion of parliamentary courtesy, will, perhaps, be found no inadequate expression of what will finally be the judgment of posterity.

Among the many memorable words which fell from the lips of our friend just before they were closed forever, the most remarkable are those which my friend Hilliard has just quoted,—"I STILL LIVE." They attest the serene composure of his mind; the Christian heroism with which he was able to turn his consciousness in upon himself, and explore, step by step, the dark passage, (dark to us, but to him, we trust, already lighted from above,) which connects this world with the world to come. But I know not, Mr. Chairman, what words could have been better chosen to express his relation to the world he was leaving—"I still live." This poor dust is just returning to the dust from which it was taken, but I feel that I live in the affections of the people to whose services I have consecrated my days. "I still live." The icy hand of death is already laid on my heart, but I shall still live in those words of counsel which I have uttered to my fellow-citizens, and

which I now leave them as the last bequest of a dying friend.

Mr. Chairman, in the long and honored career of our lamented friend, there are efforts and triumphs which will hereafter fill one of the brightest pages of our history. But I greatly err if the closing scene—the height of the religious sublime—does not, in the judgment of other days, far transcend in interest the brightest exploits of public life. Within that darkened chamber at Marshfield was witnessed a scene of which we shall not readily find the parallel. The serenity with which he stood in the presence of the king of terrors, without trepidation or flutter, for hours and days of expectation; the thoughtfulness for the public business, when the sands were so nearly run out; the hospitable care for the reception of the friends who came to Marshfield; that affectionate and solemn leave separately taken, name by name, of wife, and children, and kindred, and friends, and family, down to the humblest members of the household; the designation of the coming day, then near at hand, when "all that was mortal of Daniel Webster would cease to exist!" the dimly-recollected strains of the funeral poetry of Gray; the last faint flash of the soaring intellect; the feebly murmured words of Holy Writ repeated from the lips of the good physician, who, when all the resources of human art had been exhausted, had a drop of spiritual balm for the parting soul; the clasped hands; the dying prayers. Oh, my fellow-citizens, this is a consummation over which tears of pious sympathy will be shed ages after the glories of the forum and the Senate are forgotten.

"His sufferings ended with the day;
Yet lived he at its close,
And breathed the long, long night away
In statue-like repose.

"But ere the sun, in all his state,
Illumed the eastern skies,
He pass'd through glory's morning gate,
And walk'd in Paradise."

XV.

RUFUS CHOATE'S ADDRESS, DELIVERED BEFORE THE SUFFOLK BAR IN BOSTON, ON THE DEATH OF MR. WEBSTER.

May it please your Honor: I have been requested by the members of the bar of this court to present certain resolutions in which they have embodied, as they were able, their sorrow for the death of their beloved and illustrious member and countryman, Mr. Webster; their estimation of his character, life, and genius; their sense of the bereavement—to the country as to his friends—incapable of repair; the pride, the fondness—the filial and patriotic pride and fondness—with which they cherish, and would consign to history to cherish, the memory of a great and good man.

And when I have presented these resolutions, my duty is done. He must have known Mr. Webster less and loved him less than your honor, or than I have known and loved him, who can quite yet—quite yet, before we can comprehend that we have lost him forever—before the first paleness with which the news of his death overspread our cheeks, has passed away; before we have been down to lay him in the Pilgrim soil he loved so well, till the heavens be no more—he must have known and loved him less than we have done, who can come here quite yet, to recount the series of his service—to display with psychological exactness the traits of his nature and mind—to ponder and speculate on the secrets, on the marvellous secrets and sources of that vast power, which we shall see no more in action, nor aught in any degree resembling it, among men. These first moments should be given to grief. It may employ—it may promote a calmer mood to construct a more elaborate and less unworthy memorial.

For the purposes of this moment and place, indeed, no more is needed. What is there for this court or for this bar from me to learn, here and now of him? The year and the day of his birth; that birthplace on the frontier yet bleak and waste; the well of which his childhood drank —dug by that father of whom he said, "that through the

fire and blood of seven years' revolutionary war, he shrank from no danger, no toil, no sacrifice, to serve his country, and to raise his children to a condition better than his own"—the elm-tree that father planted, fallen now, as father and son have fallen—that training of the giant infancy on Catechism and Bible, and Watts's version of the Psalms, and the traditions of Plymouth and Fort William and Mary, and the Revolution, and the age of Washington and Franklin; on the banks of the Merrimack, flowing sometimes in flood and anger, from his secret springs in the crystal hills; the two district schoolmasters, Chase and Tappan; the village-library; the dawning of the love and ambition of letters; the few months at Exeter and Boscawen; the life of college; the probationary season of schoolteaching; the clerkship in the Fryburg Registry of Deeds; his admission to the Bar, presided over by judges like Smith, illustrated by practitioners such as Mason, where by the studies, in the contentions of nine years he laid the foundation of the professional mind; his irresistible attraction to public life; the oration on commerce; the Rockingham resolutions; his first term of four years' service in Congress, when by one bound he sprang to his place by the side of the foremost of the rising American statesmen; his removal to this State; and then the double and parallel current in which his life, studies, thoughts, and cares, have since flowed, bearing him to the leadership of the Bar, by universal acclaim; bearing him to the leadership of public life—last of that surpassing triumvirate, shall we say the greatest, the most widely known and admired—of all? These things, to their minutest details, are known and rehearsed familiarly. Happier than the younger Pliny, happier than Cicero, he has found his historian unsolicited, in his lifetime—and his countrymen have him all by heart.

There is, then, nothing to tell you; nothing to bring to mind. And then, if I may borrow the language of one of his historians and friends—one of those through whose beautiful pathos the common sorrow uttered itself yesterday, in Faneuil Hall—"I dare not come here, and dismiss in a few summary paragraphs the character of one who has filled such a space in the history—who holds such a place

in the heart—of his country. It would be a disrespectful familiarity to a man of his lofty spirit, his great soul, his rich endowments, his long and honorable life, to endeavor thus to weigh and estimate them." A half-hour of words, a handful of earth, for fifty years of great deeds, on high places!

But although the time does not require any thing elaborated and adequate—forbids it rather—some broken sentences of veneration and love may be indulged to the sorrow which oppresses us.

There presents itself, on the first, to any observation of Mr. Webster's life and character, a twofold eminence—eminence of the very highest rank in a twofold field of intellectual public display—the profession of the law, and the profession of statesmanship—of which it would not be easy to recall any parallel in the biography of illustrious men.

Without seeking for parallels, and without asserting that they do not exist, consider that he was by universal designation the leader of the general American Bar; and that he was also, by an equally universal designation, foremost of her statesmen living at his death—inferior to not one who has lived and acted since the opening of his own public life. Look at these aspects of his greatness separately,—and from opposite sides of the surpassing elevation, consider that his single career at the Bar may seem to have been enough to employ the largest faculties without repose—for a lifetime—and that if then and thus the "*infinitus forensium rerum labor*" would have conducted him to a mere professional reward—a Bench of Chancery or Law—the crown of the first of advocates—*jurisperitorum eloquentissimus*—to the pure and mere fame of a great magistrate—that that would be as much as is allotted to the ablest in the distribution of fame. Even that half—if I may say so—of his illustrious reputation—how long the labor to win it—how worthy of all that labor! He was bred first in the severest school of the common law—in which its doctrines were expounded by Smith, and its administration shaped and directed by Mason,—and its foundation principles, its historical sources and illustrations, its connection with the parallel series of statutory

enactments, its modes of reading, and the evidence of its truths,—he grasped easily and completely: and I have myself heard him say, that for many years, while still at the bar, he tried more causes, and argued more questions of fact to the jury than perhaps any other member of the profession anywhere. I have heard from others, how even then he exemplified the same direct, clear, and forcible exhibition of proofs, and the reasonings appropriate to the proofs—as well as the same marvellous power of discerning instantly what we call the decisive points of the cause in law and fact—by which he was later more widely celebrated. This was the first epoch in his professional training.

With the commencement of his public life, or with his later removal to this State, began the second epoch of his professional training—conducting him through the gradation of the national tribunals to the study and practice of the more flexible, elegant, and scientific jurisprudence of commerce and of chancery, and to the grander and less fettered investigation of international jurisprudence and constitutional law—and giving him to breathe the air of a more famous forum, in a more public presence, with more variety of competition; although he never met abler men, as I have heard him say, than some of those who initiated him in the rugged discipline of the courts of New Hampshire; and thus, at length, by these studies, these labors, this contention, continued without repose, he came, now many years ago, to stand, *omnium consentu*, at the summit of the American Bar.

It is common, and it is easy, in the case of all in such position, to point out other lawyers, here and there, as possessing some special qualification or attainment more remarkably, perhaps, because more exclusively; to say of one that he has more cases in his recollection at any given moment; or that he was earlier grounded in equity; or has gathered more black-letter, or civil law, or knowledge of Spanish or Western titles; and these comparisons were sometimes made with him. But when you sought a counsel of the first-rate for the great cause, who would most surely discern and most powerfully expound the exact law required for the controversy, in season for use; who could

most skilfully encounter the opposing law; under whose power of analysis, persuasion, and display, the asserted right would assume the most forcible aspect before the intelligence of the judge; who, if the inquiry became loaded with, or resolved into facts, could most completely develop and most irresistibly expose them; one "the law's whole thunder born to wield"—when you sought such a counsel, and could have the choice, I think the universal profession would have turned to him. And this would be so in nearly every description of causes. In any department, some able men wield civil inquiries with a peculiar ability—some criminal. How lucidly and how deeply he unfolded a question of property, you all know. But then with what address, feeling, and pathos, he defended; with what dignity and crushing power, *accusatoria spiritu*, he prosecuted the accused of crime, few have seen; but none who have seen can ever forget it.

Some scenes there are—some Alpine eminences rising above the high table-land of such a professional life, to which, in the briefest tribute, we should love to follow him. We recall that day for an illustration, when he first announced with decisive display, what manner of man he was to the Supreme Court of the nation. It was in 1818, and it was in the argument of the case of the Dartmouth College. William Pinckney was recruiting his great faculties, and replenishing that reservoir of professional and elegant acquisition in Europe. Samuel Dexter, "the honorable man, and the councillor, and the elegant orator," was in his grave. The boundless old-school learning of Luther Martin; the silver voice and infinite analytical ingenuity and resources of Jones, the fervid genius of Emmett, pouring itself along *immenso ore;* the ripe and beautiful culture of Wirt and Hopkinson—the steel point unseen, not unfelt, beneath the foliage; these and such as these were left of that noble Bar. That day, Mr. Webster opened the case of Dartmouth College to a tribunal unsurpassed on earth in all that gives illustration to a Bench of Law, not one of whom any longer survives.

One would love to linger on the scene, when, after a masterly argument of the law,—carrying, as we may now know, conviction to the general mind of the court, and

vindicating and settling for his lifetime his place in that forum—he paused to enter, with an altered feeling, tone, and manner, with these words, on his peroration: "I have brought my alma mater to this presence, that if she must fall, she may fall in her robes, and with dignity;" and then broke forth in that strain of sublime and pathetic eloquence, of which we know not much more than that, in its progress, Marshall—the intellectual, the self-controlled, the unemotioned—announced visibly the presence of the unaccustomed enchantment.

Other forensic triumphs crowd upon us—in other competition—with other issues. But I must commit them to the historian of constitutional jurisprudence.

And now, if this transcendent professional reputation were all of Mr. Webster, it might be practicable, though not easy, to find its parallel elsewhere—in our own, or in European or classical biography.

But when you consider that, side by side with this, there was growing up that other reputation—that of the first American statesman; that for thirty-three years—those embracing his most herculean works at the Bar—he was engaged as a member of either House, or in the highest Executive Departments, in the conduct of the largest national affairs; in the treatment of the largest national questions; in debate with the highest abilities of American public life; conducting diplomatic intercourse in delicate relations with all classes of foreign powers; investigating whole classes of truths, totally unlike the truths of law, and resting on principles totally distinct,—and that here, too, he was wise, safe, controlling, trusted, the foremost man; that Europe had come to see in his life a guarantee for justice, for peace, for the best hope of civilization, and America to feel sure of her glory, her safety, as a great arm enfolded her;—you see how rare, how solitary almost was the actual greatness! Who anywhere has seen, as he had, the double fame, wore the double wreath of Murray and Chatham; or of Dunning and Fox; or of Erskine and Pitt; or of William Pinckney and Rufus King, in one transcendent superiority?

I cannot attempt to grasp and sum up the aggregate of the service of his public life at such a moment as this—

and it is needless. That it comprised a term of more than thirty-three years. It produced a body of performances of which I may say generally, it was all which the first abilities of the country and time, employed with unexampled toil, stimulated by the noblest patriotism; in the highest places of the state—in the fear of God—in the presence of nations—could possibly compass.

He came into Congress after the war of 1812 had begun, and though probably deeming it unnecessary, according to the highest standards of public necessity, in his private character—and objecting in his public to some of the details of the policy by which it was prosecuted, and standing by party ties in general opposition to the administration—he never breathed a sentiment calculated to depress the tone of the public mind; to aid or comfort the enemy; to check or chill the stirrings of that new, passionate, unquenchable spirit of nationality, which then was revealed, or kindled to burn till we go down to the tomb of states.

With the peace of 1815, his more cherished public labors began; and thenceforward has he devoted himself—the ardor of his civil youth—the energies of his maturest manhood—the autumnal wisdom of the ripened years—to the offices of legislation and diplomacy—of preserving the peace—keeping the honor—establishing the boundaries, and vindicating the neutral rights of his country—restoring a sound currency, and laying its foundation sure and deep—in upholding public credit—in promoting foreign commerce and domestic industry—in developing our uncounted material resources—giving the lake and the river to trade—and vindicating and interpreting the Constitution and the law. On all these subjects—on all measures practically in any degree affecting them—he has inscribed his opinions and left the traces of his hand. Everywhere the philosophical and patriotic statesman and thinker will find that he has been before him, lighting the way—sounding the abyss. His weighty language—his sagacious warnings—his great maxims of empire—will be raised to view, and live to be deciphered when the final catastrophe shall lift the granite foundation in fragments from its bed.

In this connection, I cannot but remark to how extraordinary an extent had Mr. Webster, by his acts, words,

thoughts, or the events of his life, associated himself forever in the memory of all of us with every historical incident, or at least with every historical epoch; with every policy, with every glory, with every great name and fundamental institution, and grand or beautiful image, which are peculiarly and properly American. Look backwards to the planting of Plymouth and Jamestown, to the various scenes of colonial life in peace and war; to the opening, and march, and close of the Revolutionary drama—to the age of the Constitution—to Washington, and Franklin, and Adams, and Jefferson—to the whole train of causes from the Reformation downward, which prepared us to be Republicans—to that other train of causes which led us to be Unionists; look round on field, workshop, and deck, and hear the music of labor rewarded, fed and protected—look on the bright sisterhood of the States, each singing as a seraph in her motion, yet blending in a common beam and swelling a common harmony—and there is nothing which does not bring him by some tie to the memory of America.

We seem to see his form and hear his deep, grave speech everywhere. By some felicity of his personal life; by some wise, deep or beautiful word spoken or written; by some service of his own, or some commemoration of the services of others, it has come to pass that "our granite hills, our inland seas, and prairies, and fresh, unbounded, magnificent wilderness;" our encircling ocean; the rock of the Pilgrims; our new-born sister of the Pacific; our popular assemblies; our free schools, all our cherished doctrines of education, and of the influence of religion, and material policy and law, and the Constitution, give us back his name. What American landscape will you look on—what subject of American interest will you study—what source of hope or of anxiety, as an American, will you acknowledge, that it does not recall him?

I shall not venture, in this rapid and general recollection of Mr. Webster, to attempt to analyze that intellectual power which all admit to have been so extraordinary, or to compare or contrast it with the mental greatness of others—in variety or degree—of the living or the dead; or even to attempt to appreciate exactly, and in reference

to canons of art, his single attribute of eloquence. Consider, however, the remarkable phenomenon of excellence in three unkindred, one might have thought incompatible, forms of public speech—that of the forum, with its double audience of bench and jury,—of the halls of legislation—and of the most thronged and tumultuous assemblies of the people.

Consider, further, that this multiform eloquence, exactly as his words fell, became at once so much accession to permanent literature, in the strictest sense—solid, attractive, and rich—and ask how often in the history of public life such a thing has been exemplified. Recall what pervaded all these forms of display, and every effort in every form, that union of marked intellect in its largest measure, which penetrates to the exact truth of the matter in hand by intuition, or by inference, and discerns every thing which may make it intelligible, probable, and creditable to another, with an emotional and moral nature, profound, passionate, and ready to kindle, and with imagination enough to supply a hundredfold more of illustration and aggrandizement than his taste suffered him to accept—that union of greatness of soul with depth of heart, which made his speaking almost more an exhibition of character than of mere genius—the style not merely pure, clear Saxon, but so constructed, so numerous as far as becomes prose, so forcible, so abounding in unlabored felicities, the words so choice, the epithet so pictured, the matter absolute truth, or the most exact and spacious resemblance the human wit can devise, the treatment of the subject, if you have regard to the kind of truth he had to handle, political, ethical, legal, as deep, as complete, as Paley's, or Locke's, or Butler's, or Alexander Hamilton's, of their subjects, yet that depth and that completeness of sense, made transparent as through crystal waters—all embodied in harmonious or well-composed periods; raised on winged language, vivified, fused and poured along in a tide of emotion, fervid and incapable to be withstood—recall the form, the eye, the brow, the tone of voice, the presence of the intellectual king of men—recall him thus, and in the language of Mr. Justice Story, commemorating Samuel Dexter, we may well rejoice that "we have lived in the

same age, that we have listened to his eloquence, and been instructed by his wisdom."

I cannot leave the subject of his eloquence without returning to a thought I have advanced already. All that he has left—or the larger portion of all—is the record of spoken words. His works, as already collected, extend to many volumes—a library of reason and eloquence, as Gibbon has said of Cicero's—but they are volumes of speeches only, or mainly; and yet who does not rank him as a great American author—an author as truly expounding, and as characteristically exemplifying, in a pure, genuine and harmonious English style, the mind, thought, point of view of objects, and essential nationality of his country, as any of our authors, professionally so denominated? Against the maxim of Mr. Fox, his speeches read well, and yet were good speeches, great speeches, in the delivery. For so grave were they, so thoughtful and true—so much the eloquence of reason at last—so strikingly, always, they contrived to link the immediate topic with other and broader principles; ascending easily to widest generalizations—so happy was the reconciliation of the qualities which engage the attention of hearers, yet reward the perusal of students—so critically did they keep the right side of the line which parts eloquence from rhetoric, and so far do they rise above the penury of mere debate, that the general reason of the country has enshrined them at once and forever among our classics.

It is a common belief that Mr. Webster was a various reader; and I think it is true, even to a greater degree than has been believed. In his profession of politics, nothing, I think, worthy of attention had escaped him—nothing of the ancient or modern prudence, nothing which Greek, or Roman, or European, or Universal History, or public Biography exemplified. I shall not soon forget with what admiration he spoke at an interview to which he admitted me while in the Law School at Cambridge, of the politics and ethics of Aristotle, and of the mighty mind which, as he said, seemed to have "thought through" all the great problems which form the discipline of social man. American history and American political literature he had by heart—the long series of influences which trained

us for representative and free government; that other series of influences which moulded us into a united go vernment; the colonial era; the age of controversy before the Revolution; every scene and every person in that great tragic action; every question which has successively engaged our politics, and every name which has figured in them—the whole stream of our time was open, clear and present, even, to his eye.

Beyond his profession of politics, so to call it, he had been a diligent and choice reader, as his extraordinary style in part reveals; and I think the love of reading would have gone with him, to a later and riper age, if to such an age it had been the will of God to reserve him. This is no place or time to appreciate this branch of his acquisitions; but there is an interest inexpressible in knowing who were any of the chosen from among the great dead, in the library of such a man. Others may correct me, but I should say of that interior and narrower circle were Cicero, Virgil, Shakspeare, Bacon, Milton, Burke, Johnson,—to whom I hope it is not pedantic nor fanciful to say, I often thought his nature presented some resemblance; the same abundance of the general propositions required for explaining a difficulty and returning a sophism, copiously and promptly occurring to him—the same kindness of heart and wealth of sensibility; under a manner, of course, more courteous and gracious, yet more sovereign; the same sufficient, yet not predominant imagination, stooping ever to truth, and giving affluence, vivacity and attraction to a powerful, correct and weighty style of prose.

I cannot leave his life and character without selecting and dwelling a moment on one or two of his traits, or virtues, or facilities, a little longer. There is a collective impression made by the whole of an eminent person's life, beyond and other than, and apart from, that which the mere general biographer would afford the means of explaining. There is an influence of a great man, derived from things, indescribable almost, or incapable of enumeration, or singly insufficient to account for it, but through which his spirit transpires, and his individuality goes forth on the contemporary generation. And thus, I should say, one

great tendency of his life and character was, to elevate the whole tone of the public mind. He did this, indeed, not merely by example ; he did it by dealing, as he thought, truly, and in manly fashion, with that public mind. He evinced his love for the people, not so much by honeyed phrases, as by good counsels and useful service—*vera pro gratis.*

He showed how he appreciated them by submitting sound arguments to their understandings, and right motives to their free will. He came before them less with flattery than with instruction ; less with a vocabulary larded with the words humanity and philanthropy, and progress and brotherhood, than with a scheme of politics, an educational, social and governmental system, which would have made them prosperous, happy and great.

What the Greek historians said of Pericles, we all feel might be said of him : "He did not so much follow as lead the people, because he framed not his words to please them, like one who is gaining power by unworthy means, but was able, and dared on the strength of high character, even to brave their anger by contradicting their will."

I should indicate it as another influence of his life, acts and opinions, that it was in an extraordinary degree uniformly and liberally conservative. He saw, with the vision as of a prophet, that if our system of united government can be maintained till a nationality shall be generated of due intensity and due comprehension, a glory indeed millennial, a progress without end—a triumph of humanity hitherto unseen—were ours, and therefore he addressed himself to maintain that united government.

Standing on the rock of Plymouth, he bid distant generations hail, and saw them rising,—demanding life—"impatient from the skies," from what then were "fresh, unbounded, magnificent wildernesses"—from the shore of the great tranquil sea—not yet become ours. But observe to what he would welcome them. It is "to good government." It is to "treasures of science and delights of learning." It is to the "sweets of domestic life—the immeasurable good of a rational existence—the immortal hopes of Christianity—the light of everlasting truth."

It will be happy, if the wisdom and temper of his ad-

ministration of our foreign affairs shall preside in the time which is at hand. Sobered, instructed by the examples and warnings of all the past, he yet gathered, from the study and comparison of all the eras, that there is a silent progress of the race without return, to which the counsellings of history are to be accommodated by a wise philosophy. More than or as much as that of any of our public characters, his statesmanship was one which recognised a Europe, an Old World, but yet grasped the capital idea of the American position, and deduced from it the whole fashion and color of its policy; which discerned that we are to play a high part in human affairs, but discerned also what part it is, peculiar, distant, distinct and grand, as our hemisphere; an influence, not a contact—the stage —the drama—the catastrophe, all but the audience, all our own; and if ever he felt himself at a loss, he consulted, reverently, the genius of WASHINGTON.

In bringing these memories to a conclusion—for I omit many things, because I dare not trust myself to speak of them—I shall not be misunderstood or give offence, if I hope that one other trait in his public character, one doctrine, rather, of his political creed, may be remembered and appreciated. It is one of the two fundamental precepts in which Plato, as expounded by the great master of Latin eloquence, and reason and morals, comprehends the duty of those who share in the conduct of the state, "*Ut quæcunque agunt, TOTUM corpus reipublicæ curent nedum partem aliquam tuentur, reliquas deserant,*" that they comprise in their care the whole body of the republic, nor keep one part and desert another. He gives the reason, one reason, of the precept, "*Qui autem parti civium consulant, partem negligunt rem perniciosissimam in civitatem inducunt seditionem atque discordiam.*" The patriotism which embraces less than the whole, induces sedition and discord, the last evil of the State.

How profoundly he had comprehended this truth—with what persistency, with what passion, from the first hour he became a public man to the last beat of the great heart, he cherished it—how little he accounted the good, the praise, the blame, of this locality or that, in comparison of the larger good and the general and thoughtful approval

of his own, and our, whole America,—she this day feels and announces. Wheresoever a drop of her blood flows in the veins of man, this trait is felt and appreciated. The hunter beyond Superior—the fisherman on the deck of the nigh night-foundered skiff—the sailor on the uttermost sea —will feel, as he hears these tidings, that the protection of a sleepless, all-embracing, parental care is withdrawn from him for a space; and that his pathway henceforward is more solitary and less safe than before.

But I cannot pursue these thoughts. Among the eulogists who have just uttered the eloquent sorrow of England at the death of the great Duke—one has employed an image and an idea, which I venture to modify and appropriate:

"The Northman's image of death is finer than that of other climes; no skeleton, but a gigantic figure, that envelops men within the massive folds of its dark garment. Webster seems so enshrouded from us as the last of the mighty three, themselves following a mighty series; the greatest closing the procession. The robe draws round him, and the era is past."

Yet how much there is which that all-ample fold shall not hide!—the recorded wisdom; the great example; the assured immortality.

They speak of moments!

> "Nothing need cover his high fame but heaven,
> No pyramids set off his memories,
> But the eternal substance of his greatness,
> To WHICH I LEAVE HIM."

XVI.

EULOGY PRONOUNCED ON MR. WEBSTER IN FANEUIL HALL, BOSTON, BY GEORGE S. HILLARD, ESQ.

It is now twenty-six years since the heart of the nation was so deeply moved by the death of two great founders of the Republic, on the fiftieth anniversary of the day when its independence was declared. Then, for the first

time, these consecrated walls wore the weeds of mourning. Then the multitude that filled this hall were addressed by a man whose thoughts rose without effort to the height of his great theme. He seemed inspired by the occasion, and he looked and spoke like one on whom the mantle of some ascended prophet had at that moment fallen. He lifted up and bore aloft his audience on the wings of his mighty eloquence. His words fell upon his hearers with irresistible, subduing power, and their hearts poured themselves forth in one deep and strong tide of patriotic and reverential feeling.

And now he, that was then so full of life and power, has gone to join the patriots whom he commemorated. Webster is no more than Adams and Jefferson. The people, that then came to listen to him, are now here to mourn for him. His voice of wisdom and eloquence is silent. The arm on which a nation leaned is stark and cold. The heroic form is given back to the dust. We that delighted to honor him in life are now here to honor him in death. One circle of duties is ended and another is begun. We can no longer give him our confidence, our support, our suffrages; but memory and gratitude are still left to us. As he has not lived for himself alone, so he has not died for himself alone. The services of his life are crowned and sealed with the benediction of his death. So long as a man remains upon earth, his life is a fragment. It is exposed to chance and change, to the shocks of fate and the assaults of trial. But the end crowns the work. A career that is closed becomes a firm possession and a completed power. The arch is imperfect till the hand of death has fixed the keystone.

The custom of honoring great public benefactors by these solemn observances is natural, just and wise. But the tributes and testimonials which we offer to departed worth are for the living, and not for the dead. Eulogies, monuments and statues can add nothing to the peace and joy of that serene sphere into which the great and good, who have finished their earthly career, have passed. But these expressions and memorials do good to those from whom they flow. They lift us above the region of low cares and selfish struggles. They link the present to the past, and the world of sense to the world of thought. They break

the common course of life with feelings brought from a higher region. Who can measure the effect of a scene like this—these mourning walls—these saddened faces—these solemn strains of music? The seed of a deep emotion here planted may ripen into the fruit of noble action.

A great man is a gift, in some measure, a revelation of God. A great man, living for high ends, is the divinest thing that can be seen on earth. The value and interest of history are derived chiefly from the lives and services of the eminent men whom it commemorates. Indeed, without these, there would be no such thing as history, and the progress of a nation would be as little worth recording, as the march of a trading caravan across a desert. The death of Mr. Webster is too recent, and he was taken away too suddenly from a sphere of wide and great influence, for the calm verdict of history to be passed upon him, and an accurate gauge to be taken of his works and claims. But all men, whatever may have been the countenance they turned toward him in life, now feel that he was a man of the highest order of greatness, and that whatever of power, faculty and knowledge there was in him was given freely, heartily, and during a long course of years, to the service of his country. He who, in the judgment of all, was a great man and a great patriot, not only deserves these honors at our hands, but it would be disgraceful in us to withhold them. We among whom he lived, who felt the power of his magnificent presence,—his brow, his eyes, his voice, his bearing,—can never put him anywhere but in the front rank of the great men of all time. In running along the line of statesmen and orators, we light upon the name of no one to whom we are willing to admit his inferiority.

The theory that a great man is merely the product of his age, is rejected by the common sense and common observation of mankind. The power that guides large masses of men, and shapes the channels in which the energies of a great people flow, is something more than a mere aggregate of derivative forces. It is a compound product, in which the genius of the man is one element, and the sphere opened to him by the character of his age and the institutions of his country is another. In the case of Mr. Webster, we

have a full co-operation of these two elements. Not only did he find opportunities for his great powers, but the events of his life, and the discipline through which he passed, were well fitted to train him up to that commanding intellectual stature, and perfect intellectual symmetry, which have made him so admirable, so eminent, and so useful a person.

He was fortunate in the accident, or rather the providence, of his birth. His father was a man of uncommon strength of mind and worth of character, who had served his country faithfully in trying times, and earned in a high degree the respect and confidence of his neighbors—a man of large and loving heart, whose efforts and sacrifices for his children were repaid by them with most affectionate veneration. The energy and good sense of his mother exerted a strong influence upon the minds and characters of her children. He was born to the discipline of poverty; but a poverty such as braces and stimulates, not such as crushes and paralyzes. The region in which his boyhood was passed was new and wild, books were not easy to be had, schools were only an occasional privilege, and intercourse with the more settled parts of the country was difficult and rare. But this scarcity of mental food and mental excitement had its advantages, and his training was good, however imperfect his teaching might have been. His labors upon the farm helped to form that vigorous constitution which enabled him to sustain the immense pressure of cares and duties laid upon him in after-years. Such books as he could procure were read with the whole heart and the whole mind. The conversation of a household, presided over by a strong-minded father, and a sensible, loving mother, helped to train the faculties of the younger members of the family. Nor were their winter evenings wanting in topics which had a fresher interest than any which books could furnish. There were stirring tales of the Revolutionary struggle and the Old French War, in both of which his father had taken a part, with moving traditions of the hardships and perils of border-life, and harrowing narratives of Indian captivity, all of which sunk deep into the heart of the impressible boy. The ample page of nature was ever before his eyes, not beautiful or picturesque,

but stern, wild and solitary, covered with a primeval forest: in winter, swept over by tremendous storms, but in summer putting on a short-lived grace, and in autumn glowing with an imperial pomp of coloring. In the deep, lonely woods, by the rushing streams, under the frosty stars of winter, the musing boy gathered food for his growing mind. There to him the mighty mother unveiled her awful face, and there we may be sure that the dauntless child stretched forth his hands and smiled. We feel a pensive pleasure in calling up the image of this slender, dark-browed, bright-eyed youth, going forth in the morning of life to sow the seed of future years. A loving brother, and a loving and dutiful son, he is cheerful under privation, and patient under restraint. Whatever work he finds to do, whether with the brain or the hand, he does it with all his might. He opens his mind to every ray of knowledge that breaks in upon him. Every step is a progress, and every blow removes an obstacle. Onward, ever onward, he moves; borne "against the wind, against the tide," by an impulse self-derived and self-sustained. He makes friends, awakens interest, inspires hopes. Thus, with these good angels about him, he passes from boyhood to youth, and from youth to early manhood. The school and the college have given him what they had to give; an excellent professional training has been secured; and now, with a vigorous frame and a spirit patient of labor, with manly self-reliance, and a heart glowing with generous ambition and warm affections, the man, Daniel Webster, steps forth into the arena of life.

From this point his progress follows the natural law of growth, and every advance is justified and explained by what had gone before. For every thing that he gains he has a perfect title to show. He is borne on by no fortunate accident. The increase of his influence keeps no more than pace with the growth of his mind and the development of his character. He is diligent in his calling, and faithful to the interests intrusted to his charge. His professional bearing is manly and elevated. He has the confidence of the court, and the ear of the jury, and has fairly earned them both. His business increases, his reputation is extended, and he becomes a marked man. He is

not only equal to every occasion, but he always leaves the impression of having power in reserve, and of being capable of still greater efforts. What he does is judicious, and what he says is wise. He is not obliged to retrace his steps or qualify his statements. He blends the dignity and self-command of mature life with the ardor and energy of youth. To such a man, in our country, public life becomes a sort of necessity. A brief service in Congress wins for him the respect and admiration of the leading men of the country, who see with astonishment in a young New Hampshire lawyer the large views of a ripe statesman, and a generous and comprehensive tone of discussion, free alike from party bias, and sectional narrowness. A removal to the metropolis of New England brings increase of professional opportunity, and in a few years he stands at the head of the Bar of the whole country. Public life is again thrust upon him, and at one stride he moves to the foremost rank of influence and consideration. His prodigious powers of argument and eloquence, freely given to an administration opposed to him in politics, crush a dangerous political heresy, and kindle a deeper national sentiment. The whole land rings with his name and praise, and foreign nations take up and prolong the sound. Every year brings higher trusts, weightier responsibilities, wider influence, until his country reposes in the shadow of his wisdom, and the power that proceeds from his mind and character becomes one of the controlling forces in the movements and relations of the civilized world.

To trace, step by step, the incidents of such a career, would far transcend the limits of a discourse like this, and of all places, it is least needed here. Judging of him by what he was, as well as by what he did, and analyzing the aggregate of his powers, we observe that his life moves in three distinct paths of greatness. He was a great lawyer, a great statesman, and a great writer. The gifts and training, which make a man eminent in any one of these departments, are by no means identical with those which make him eminent in any other. Very few have attained high rank in any two; and the distinction which Mr. Webster reached in all the three is almost without parallel in history.

He was, from the beginning, more or less occupied with public affairs, and he continued to the last to be a practising lawyer; but as regards these two spheres of action, his life may be divided into two distinct portions. From his twenty-third to his forty-first year, the practice of the law was his primary occupation and interest, but from the latter period to his death, it was secondary to his labors as a legislator and statesman. Of his eminence in the law—meaning the law as administered in the ordinary tribunals of the country, without reference, for the present, to constitutional questions—there is but one opinion among competent judges. Some may have excelled him in a single faculty or accomplishment, but in the combination of qualities which the law requires, no man of his time was, on the whole, equal to him. He was a safe counsellor and a powerful advocate—thorough in the preparation of causes and judicious in the management of them—quick, far-seeing, cautious and bold. His addresses to the jury were simple, manly and direct; presenting the strong points of the case in his strong way, appealing to the reason and conscience, and not to passions and prejudices, and never weakened by over-statement. He laid his own mind fairly alongside that of the jury, and won their confidence by his sincere way of dealing with them. He had the grace to cease speaking when he had come to an end. His most conspicuous power was his clearness of statement. He threw upon every subject a light like that of the sun at noonday. His mind, by an unerring instinct, separated the important from the unimportant facts in a complicated case, and so presented the former, that he was really making a powerful and persuasive argument, when he seemed to be telling only a plain story in a plain way. The transparency of the stream veiled its depth, and its depth concealed its rapid flow. His legal learning was accurate and perfectly at command, and he had made himself master of some difficult branches of law, such as special pleading and the law of real property; but the memory of some of his contemporaries was more richly stored with cases. From his remarkable powers of generalization, his elementary reading had filled his mind with principles, and he examined the questions that arose by

the light of these principles, and then sought in the books for cases to confirm the views which he had reached by reflection. He never resorted to stratagems and surprises, nor did he let his zeal for his client run away with his self-respect. His judgment was so clear, and his moral sense so strong, that he never could help discriminating between a good cause and a bad one, nor betraying to a close observer when he was arguing against his convictions. His manner was admirable, especially for its repose—an effective quality in an advocate, from the consciousness of strength which it implies. The uniform respect with which he treated the bench should not be omitted, in summing up his merits as a lawyer.

The exclusive practice of the law is not held to be the best preparation for public life. Not only does it invigorate without expanding—not only does it narrow at the same time that it sharpens—but the custom of addressing juries begets a habit of over-statement, which is a great defect in a public speaker, and the mind that is constantly occupied in looking at one side of a disputed question is apt to forget that it has two. Great minds triumph over these influences, but it is because they never fail, sooner or later, to overleap the formal barriers of the law. Had Mr. Webster been born in England, and educated to the bar, his powers could never have been confined to Westminster Hall. He would have been taken up and borne into Parliament by an irresistible tide of public opinion. Born where he was, it would have been one of the greatest misfortunes, if he had narrowed his mind and given up to his clients the genius that was meant for the whole country and all time. Admirably as he put a case to a jury or argued it to the court, it was impossible not to feel that in many instances an inferior person would have done it nearly or quite as well; and sometimes the disproportion between the man and his work was so great that it reminded one of the task given to Michael Angelo to make a statue of snow.

His advancing reputation, however, soon led him into a class of cases, the peculiar growth of the institutions of his country, and admirably fitted to train a lawyer to public life, because, though legal in their form, they in-

volve great questions of politics and government. The system under which we live is, in many respects, without a precedent. Singularly complicated in its arrangements, embracing a general government of limited and delegated powers, organized by an interfusion of separate sovereignties, all with written Constitutions to be interpreted and reconciled, the imperfection of human language and the strength of human passion leaving a wide margin for warring opinions, it is obvious to any person of political experience that many grave questions, both of construction and conflicting jurisdiction, must arise, requiring wisdom and authority for their adjustment. Especially must this be the case in a country like ours, of such great extent, with such immense material resources, and inhabited by so enterprising and energetic a people. It was a fortunate—may we not say a providential?—circumstance, that the growth of the country began to devolve upon the Supreme Court of the United States the consideration of this class of questions, just at the time when Mr. Webster, in his ripe manhood, was able to give them the benefit of his extraordinary powers of argument and analysis. Previous to the Dartmouth College case, in 1818, not many important constitutional questions had come before the court, and, since that time, the great lawyer, who then broke upon them with so astonishing a blaze of learning and logic, has exerted a commanding influence in shaping that system of constitutional law—almost a supplementary Constitution—which has contributed so much to our happiness and prosperity. Great as is our debt of gratitude to such judges as Marshall and Story, it is hardly less great to such a lawyer as Mr. Webster. None would have been more ready than these eminent magistrates to acknowledge the assistance they had derived from his masterly arguments.

In the discussion of constitutional questions, the mind of this great man found a most congenial employment. Here, books, cases and precedents are of comparatively little value. We must ascend to first principles, and be guided by the light of pure reason. Not only is a chain of logical deduction to be fashioned, but its links must first be forged. Geometry itself hardly leads the mind into a region of more abstract and essential truth. In

these calm heights of speculation and analysis, the genius of Mr. Webster moved with natural and majestic sweep Breaking away from precedents and details, and soaring above the flight of eloquence, it saw the forms of truth in the colorless light and tranquil air of reason. When we dream of intelligences higher than man, we imagine their faculties exercised in serene inquisitions like these,—not spurred by ambition,—not kindled by passion,—roused by no motive but the love of truth, and seeking no reward but the possession of it.

The respect which has been paid to the decisions of the Supreme Court of the United States is one of the signs of hope for the future, which are not to be overlooked in our desponding moods. The visitor in Washington sees a few grave men, in an unpretending room, surrounded by none of the symbols of command. Some one of them, in a quiet voice, reads an opinion in which the conflicting rights of sovereign States are weighed and adjusted, and questions, such as have generally led to exhausting wars, are settled by the light of reason and justice. This judgment goes forth, backed by no armed force, but commanded by the moral and intellectual authority of the tribunal which pronounces it. It falls upon the waves of controversy with reconciling, subduing power; and haughty sovereignties, as at the voice of some superior intelligence, put off the mood of conflict and defiance, and yield a graceful obedience to the calm decrees of central justice. There is more cause for national pride in the deference paid to the decisions of this august tribunal, than in all our material triumphs; and so long as our people are thus loyal to reason and submissive to law, it is a weakness to despair.

The Dartmouth College case, which has been already mentioned, may be briefly referred to again, since it forms an important era in Mr. Webster's life. His argument in that case stands out among his other arguments, as his speech in reply to Mr. Hayne, among his other speeches. No better argument has been spoken in the English tongue, in the memory of any living man, nor is the child that is born to-day likely to live to hear a better. Its learning is ample, but not ostentatious; its logic irresistible; its elo-

quence vigorous and lofty. I have often heard my revered and beloved friend, Judge Story, speak with great animation of the effect he then produced upon the court. "For the first hour," said he, "we listened to him with perfect astonishment; for the second hour, with perfect delight; for the third hour, with perfect conviction." It is not too much to say that he entered the court on that day a comparatively unknown name, and left it with no rival but Pinckney. All the words he spoke on that occasion have not been recorded. When he had exhausted the resources of learning and logic, his mind passed naturally and simply into a strain of feeling not common to the place. Old recollections and early associations came over him, and the vision of his youth rose up. The genius of the institution where he was nurtured seemed standing by his side in weeds of mourning, with a countenance of sorrow. With suffused eyes and faltering voice, he broke into an unpremeditated strain of emotion, so strong and so deep that all who heard him were borne along with it. Heart answered to heart as he spoke, and when he had ceased, the silence and tears of the impassive Bench, as well as the excited audience, were a tribute to the truth and power of the feeling by which he had been inspired.

With his election to Congress from the city of Boston, in 1822, the great labors and triumphs of his life begin. From that time until his death, with an interval of about two years after leaving President Tyler's Cabinet, he was constantly in the public service, as Representative, Senator, or Secretary of State. In this period, his biography is included in the history of his country. Without pausing to dwell upon the details, and looking at his public life as a whole, let us examine its leading features and guiding principles, and inquire upon what grounds he enjoyed our confidence and admiration while living, and is entitled to our gratitude when dead.

Public men, in popular governments, are divided into two great classes—statesmen and politicians. The difference between them is like the difference between the artist and the mechanic. The statesman starts with original principles, and is propelled by a self-derived impulse. The politician has his course to choose, and puts himself in a

position to make the best use of the forces which lie outside of him. The statesman's genius sometimes fails in reaching its proper sphere, from the want of the politician's faculty; and, on the other hand, the politician's intellectual poverty is never fully apprehended till he has contrived to attain an elevation which belongs only to the statesman. The statesman is often called upon to oppose popular opinion, and never is his attitude nobler than when so doing; but the sagacity of the politician is shown in seeing, a little before the rest of the world, how the stream of popular feeling is about to turn, and so throwing himself upon it as to seem to be guiding it, while he is only propelled by it. A statesman makes the occasion, but the occasion makes the politician.

Mr. Webster was pre-eminently a statesman. He rested his claims upon principles; and by these he was ready to stand or fall. In looking at the endowments which he brought to the service of his country, a prominent rank is to be assigned to that deep and penetrating wisdom which gave so safe a direction to his genius. His imagination, his passion and his sympathies were all kept in subordination to this sovereign power. He saw things as they are, neither magnified nor discolored by prejudice or prepossession. He heard all sides, and did not insist that a thing was true because he wished it to be true, or because it seemed probable to his first inquiry. His post of observation was the central and fixed light of reason, from which all wandering and uncertain elements were at last discerned in their just relations and proportions. The functions of government did not, in his view, lie in the regions of speculation or emotion. It was "a contrivance of human wisdom to provide for human wants." The ends of government are, indeed, ever identical; but the means used to attain them are various. The practical statesman must aim, not at the best conceivable, but the best attainable, good. Thus Mr. Webster always recognised and accepted the necessities of his position. He did not hope against hope, nor waste his energies in attempting the impossible. Living under a government in which universal suffrage is the ultimate propelling force, he received the expressed sense of the people as a fact, and

not as an hypothesis. Like all men who are long in public life under popular institutions, he incurred the reproach of inconsistency; a reproach not resting upon any change of principle—for he never changed his principles—but upon the modification of measures and policy which every enlightened statesman yields to the inevitable march of events and innovations of time.

Nor was he less remarkable for the breadth and comprehensiveness of his views. He knew no North, no South, no East, no West. His great mind and patriotic heart embraced the whole land with all its interests and all its claims. He had nothing of partisan narrowness or sectional exclusiveness. His point of sight was high enough to take in all parts of the country, and his heart was large enough and warm enough to love it all, to cling to it, to live for it, or die for it. Nothing is more characteristic of greatness than this capacity of enlarged and generous affections. No public man ever earned more fully the title of a national, an American statesman. No heart ever beat with a higher national spirit than his. The honor of his country was as dear to him as the faces of his children. Where that was in question, his great powers blazed forth like a flame of fire in its defence. Never were his words more weighty, his logic more irresistible, his eloquence more lofty—never did his mind move with more majestic and victorious flight—than when vindicating the rights of his country, or shielding her from unjust aspersions.

It is a hasty and mistaken judgment to gauge the merits of a statesman, under popular institutions, by the results which he brings about and the measures which he carries through. His opportunities in this respect will depend, generally, upon the fact whether he happens to be in the majority or the minority. How much would be taken from the greatness of one of the greatest of statesmen, Mr. Fox, if this test were applied to him! The merits of a statesman are to be measured by the good which he does, by the evil which he prevents, by the sentiments which he breathes into the public heart, and the principles he diffuses through the public mind. Mr. Webster did not belong to that great political party which, under ordinary circum-

stances, and when no exceptional elements have been thrown in, have been able to command a majority in the whole nation, and upon which the responsibility of governing the country has been consequently thrown. Thus, for the larger part of his public life, he was in the minority. But a minority is as important an element, in carrying on a representative government, as a majority; and he never transcended its legitimate functions. His opposition was open, manly and conscientious; never factious, never importunate. He stated fairly the arguments to which he replied. He did not stoop to personality, or resort to the low and cheap trick of impugning the motives or characters of his opponents. He has earned the respect which the Democratic party, to their honor be it spoken, have shown to his memory. He was a party man, to this extent—he believed that, under a popular government, it was expedient that men of substantially the same way of thinking in politics should act together, in order to accomplish any general good, but he never gave up to his party what was meant for his country. When the turn of the tide threw upon him the initiative of measures, no man ever showed a wiser spirit of legislation or a more just and enlightened policy of statesmanship. He combined what Bacon calls the logical with the mathematical part of the mind. He could judge well of the mode of attaining any end, and estimate, at the same time, the true value of the end itself. His powers were by no means limited to attack and defence, but he had the organizing and constructing mind which shapes and fits a course of policy to the wants and temper of a great people.

His influence as a public man extends over the last forty years, and, during that period, what is there that does not bear his impress? Go where we will, upon land or sea—from agriculture to commerce, and from commerce to manufactures—turn to domestic industry, to foreign relations, to law, education and religion—everywhere we meet the image and superscription of this imperial mind. The Ashburton treaty may stand as a monument of the good he did. His speech in reply to Mr. Hayne may be cited as a proof of the evil he prevented; and, for this reason, while its whole effect can never be measured, its

importance can hardly be overrated. Probably no discourse ever spoken by man had a wider, more prominent and more beneficial influence. Not only did it completely overthrow a most dangerous attack on the Constitution, but it made it impossible for it ever to be renewed. From that day forward the specious front of nullification was branded with treason. If we estimate the claims of a public man by his influence upon the national heart and his contributions to a high-toned national sentiment, who shall stand by the side of Mr. Webster? Where is the theory of constitutional liberty better expounded, and the rules and conditions of national well-being and well-doing better laid down, than in his speeches and writings? What books should we so soon put into the hands of an intelligent foreigner, who desired to learn the great doctrines of government and administration on which the power and progress of our country repose, and to measure the intellectual stature of a finished American man?

The relation which he held to the politics of the country was the natural result of a mind and temperament like his. A wise patriot, who understands the wants of his time, will throw himself into the scale which most needs the weight of his influence, and choose the side which is best for his country and not for himself. Hence, it may be his duty to espouse defeat, and cleave to disappointment. In weighing the two elements of law and liberty, as they are mingled in our country, he felt that danger was rather to be apprehended from the preponderance of license than of authority —that men were attracted to liberty by the powerful instincts of the blood and heart, but to law by the colder and fainter suggestions of the reason. Hence he was a conservative at home, and gave his influence to the party of permanence rather than progression. But in Europe it was different. There he saw that there were abuses to be reformed, and burdens to be removed; that the principle of progress was to be encouraged, and that larger infusions of liberty should be poured into the exhausted frames of decayed states. Hence, his sympathies were always on the side of the struggling and the suffering; and, through his powerful voice, the public opinion of America made

itself heard and respected in Europe. It is a fact worthy of being stated in this connection, that at the moment when a tempest of obloquy was beating upon him, from his supposed hostility to the cause of freedom here, a very able writer of the Catholic faith, in a striking and, in many respects, admirable essay upon his writings and public life, came reluctantly and respectfully to the conclusion that Mr. Webster had forfeited all claim to the support of Catholic voters, from the countenance he had given to the revolutionary spirit of Europe. Such are ever the judgments passed by fragmentary men upon a universal man.

His strong sense of the value of the Union, and the force and frequency with which he discoursed upon this theme, are to be explained by the same traits of mind and character. He believed that we were more in danger of diffusion than consolidation. He felt that all the primal instincts of patriotism—all the chords of the heart—bound men to their own State, and not to the common country; and that with the territorial increase of that country it became more and more difficult for the central heart to propel to the extremities the life-blood of invigorating national sentiment, without which a State is but a political corporation without a soul. He knew, too, that the name of a Union might exist without the substance, and that a Union for mutual annoyance and defiance, and for mutual aid and support, which kept the word of promise to the ear and broke it to the hope, was hardly worth the having. Hence, he labored earnestly and perseveringly to inculcate a love of the Union, and to present the whole country as an object to be cherished, honored and valued, because he felt that on that side our affections needed to be quickened and strengthened.

As was to be expected, so powerful a man could not pass through life without encountering strong opposition. All his previous experiences, however, were inconsiderable in comparison with the storm of denunciation which he drew down upon himself by his course on what are commonly called the Compromise Measures, and, especially, his speech on that occasion. It was natural that men, whose fervid sympathies are wedded to a single idea, should have felt aggrieved by the stand he then took; and

if decency and decorum had governed their expressions, neither he nor his friends could have had any right to complain. But, in many cases, the attacks were so foul and ferocious that they lost all claim to be treated as moral judgments, and sunk to the level of the lowest and coarsest effusions of malice and hatred. It is a good rule in politics, as elsewhere, to give men credit for the motives they profess to be actuated by, and to accept their own exposition of their opinions as true. Let us apply these rules to his course at that time. He had opposed the admission of Texas, and predicted the train of evils which would come with it. He had warned the North of the perilous questions with which that measure was fraught. But his prophetic voice was unheeded. Between zeal on one side, and apathy on the other, Texas came in. Then war with Mexico followed, ending in conquest, and leaving the whole of that unhappy country at our mercy. Mr. Webster opposed the dismemberment of Mexico, provided for in the treaty of peace, on the ground that no sooner should we have the immense territory, which we proposed to take, than the question whether slavery should exist there, would agitate the country. But again the warning voice of his wisdom was unheeded, and the storm, which he had predicted, gathered in the heavens. The questions against which he had forewarned his countrymen now clamored for settlement, and would not be put by They required for their adjustment the most of reason and the least of passion, and they were met in a mood which combined the most of passion and the least of reason. The North and the South met in "angry parle," and the air was darkened with their strife. Mr. Webster's prophetic spirit was heavy within him. He felt that a crisis had arrived in the history of his country, and that the lot of a solemn duty and a stern self-sacrifice had fallen upon him. As he himself said, "he had made up his mind to embark alone on what he was aware would prove a stormy sea, because, in that case, should disaster ensue, there would be but one life lost." In this mood of calm and high resolve he went forward to meet the portentous issue.

It is not to be expected that a speech made under such circumstances, going over so wide a range of exciting

topics, should, in every part, command the immediate and entire assent even of those who would admit its truth and seasonableness as a whole. It is also doubtless true, that there are single expressions in it, which, when torn from their context and set by the side of passages from former speeches dealt with in like manner, will not be found absolutely identical. But the speech of such a man, at such a crisis, is not to be dissected and criticized like a rhetorical exercise. It should be judged as a whole, and read by the light of the occasion which gave it birth.

The judgments which Mr. Webster's course has called forth were widely divided. By those who hold extreme views, he was charged with expressing sentiments which he did not believe to be true. It was a bid for the Presidency, and his conscience was the price he offered. It is a mere waste of words to argue with men of this class. Fanaticism darkens the mind, and hardens the heart, and where there is neither common sense nor common charity, the first step in a process of reasoning cannot be taken. Others maintained that he was mistaken in point of fact, that he took counsel of his fears and not of his wisdom, and that, through him, the opportunity was lost of putting down the South in an open struggle for influence and power. But, in the first place, it is not probable that a man who, upon subordinate questions, had shown so much political wisdom and forecast, should have been mistaken upon a point of such transcendent importance, to which his attention had been so long and so earnestly directed; and, in the second place, the testimony of all men whose evidence would be received with respect upon any similar subject, fully sustains Mr. Webster in the views he then took of the state of the country, and is equally strong as to the value of the services he rendered. In such an issue, the testimony of retired persons, living among books and their own thoughts, is not entitled to any great value, because they can have no adequate notion of the duties, responsibilities or difficulties of governing a great state, and what need there is of patience and renunciation in those who are called to this highest of human functions. A statesman has the right to be tried by his peers.

It is curious to observe how hatred, whether personal or political, when it enters into the mind, disturbs its functions, as a piece of iron in the binnacle of a ship misleads the compass. Many who have found it so hard to forgive Mr. Webster for his independence in opposing them, would admit the importance of having a class of public men who will lead the people and not be led by them, and that a great man is never so great as when withstanding their dangerous wishes and calmly braving their anger. Their eyes will sparkle when they speak of the neutral countenance of Washington, undismayed by Jacobin clamor, and of the sublime self-devotion of Jay. It is strange that they cannot, or will not, for a moment look at Mr. Webster's position from a point of view opposite to their own, admit that he may have been in the right, and see him clad in the beauty of self-sacrifice. It is to be feared that this form of virtue is growing more and more rare, as it is more and more needed. The story of Curtius leaping into a gulf in the Roman forum is but the legendary form in which a perpetual truth is clothed. In the path of time there are always chasms of error, which only a great self-immolating victim can close. The glory has departed from the land in which that self-devoting stock has died out.

Mr. Webster was an ambitious man. He desired the highest office in the gift of the people. But on this subject, as on all others, there was no concealment in his nature. An ambition is not a weakness, unless it be disproportioned to the capacity. To have more ambition than ability, is to be at once weak and unhappy. With him it was a noble passion, because it rested upon noble powers. He was a man cast in a heroic mould. His thoughts, his wishes, his passions, his aspirations, were all on a grander scale than those of other men. Unexercised capacity is always a source of rusting discontent. The height to which men may rise is in proportion to the upward force of their genius, and they will never be calm till they have attained their predestined elevation. Lord Bacon says, "As in nature things move violently to their place, and calmly in their place, so virtue in ambition is violent; in authority, settled and calm." Mr. Webster

had a giant's brain and a giant's heart, and he wanted a giant's work. He found repose in those strong conflicts and great duties which crush the weak and madden the sensitive. He thought that, if he were elevated to the highest place, he should so administer the government as to make the country honored abroad, and great and happy at home. He thought, too, that he could do something to make us more truly one people. This, above every thing else, was his ambition. And we, who knew him better than others, felt that it was a prophetic ambition, and we honored and trusted him accordingly.

As a writer and as a public speaker upon the great interests of his country, Mr. Webster stands before us, and will stand before those who will come after us, as the leading spirit of his time. Sometimes, indeed, his discussions may have been too grave to be entirely effective at the moment of their delivery, but all of them are quarries of political wisdom; for while others have solved only the particular problem before them, he has given the rule that reaches all of the same class. As a general remark, his speeches are a striking combination of immediate effectiveness and enduring worth. He never, indeed, goes out of his way for philosophical observations, nor lingers long in the tempting regions of speculation, but his mind, while he advances straight to his main object, drops from its abundant stores those words of wisdom which will keep, through all time, a vital and germinating power. His logic is vigorous and compact, but there is no difficulty in following his argument, because his reasoning is as clear as it is strong. The leading impression he leaves upon the mind is that of irresistible weight. We are conscious of a propelling power, before which every thing gives way or goes down. The hand of a giant is upon us, and we feel that it is in vain to struggle. The eloquence of Burke, with whom he is always most fitly compared, is like a broad river, winding through a cultivated landscape; that of Mr. Webster is like a clear mountain-stream, compressed between walls of rock.

But his claims as a writer do not rest exclusively upon his political speeches. His occasional discourses, and his diplomatic writings, would alone make a great reputation.

His occasional discourses rise above the rest of their class, as the Bunker Hill monument soars above the objects around it. His Plymouth Oration, especially, is a production which all who have followed in the same path must ever look upon with admiration and despair. It was the beginning of a new era in that department of literature. It was the first and greatest of its class, and has naturally fixed a standard of excellence which has been felt in the efforts of all who have come after him. Its merits of style and treatment are of the highest order, and it is marked throughout by great dignity of sentiment and an elevating and stirring tone of moral feeling, which lifts the mind into regions higher than can be reached by eloquence, or power of expression alone.

His diplomatic writings claim unqualified praise. Such discussions require a cautious as well as firm hand, for a single rash expression, falling upon an explosive state of mind, may shatter to pieces the most hopeful negotiation. Mr. Webster combines great force of statement with perfect decorum of manner. It is the iron hand, but the silken glove. He neither claims nor yields a single inch beyond the right. His attitude is neither aggressive nor distrustful. He is strong in himself and strong in his position. His style is noble, dignified and transparent. It is the "large utterance" of a great people. I know of no modern compositions which, in form and substance, embody so much of what we understand by the epithet Roman. Such, indeed, we may imagine the state papers of the Roman Senate to have been, in the best days of the Republic.

His arguments, speeches, occasional discourses and diplomatic writings have all a marked family likeness. They are all characterized by strength and simplicity. He never goes out of his way to make a point or drag in an illustration. His ornaments, sparingly introduced, are of that pure gold which defies the sharpest test of criticism. He had more of imagination, properly so called, than fancy, and his images are more grand than picturesque. He writes like a man who is thinking of his subject, and not of his style, and thus wastes no time upon the mere garb of his thoughts. His mind was so full that epithet

and illustration grew with his words, like flowers on the stalk. It is a striking fact that a man who has had so great an influence over the mind of America should have been so free from our national defects; our love of exaggeration, and our excessive use of figurative language. His style is Doric, not Corinthian. His sentences are like shafts hewn from the granite of his own hills—simple, massive and strong. We may apply to him what Quintilian says of Cicero, that a relish for his writings is itself a mark of good taste. He is always plain; sometimes even homely and unfinished. But a great writer may be, and indeed must be, homely and unfinished at times. Dealing with great subjects, he must vary his manner. Some things he will put in the foreground, and some in the background; some in light, and some in shadow. He will not hesitate, therefore, to say plain things in a plain way. When the glow and impulse of his genius are upon him, he will not stop to adjust every fold in his mantle. His writings will leave upon the mind an effect like that of the natural landscape upon the eye, where nothing is trim and formal, but where all the sweeps and swells, though rarely conforming to an ideal line of beauty, blend together in a general impression of grace, fertility and power.

His knowledge of law, politics and government was profound, various and exact; but a man of learning, in the sense in which this word is commonly used, he could not be called. His life had been too busy to leave much time for scientific or literary research; nor had he that passionate love of books which made him content to pass all his leisure hours in his library. He had read much, but not many books. He was a better Latin scholar than the average of our educated men, and he read the Roman authors, to the last, with discriminating relish. A mind like his was naturally drawn to the grand and stately march of Roman genius. With the best English writers he was entirely familiar, and he took great pleasure in reading them and discussing their merits.

To science, as recorded in books, he had given little time, but he had the faculties and organization which would easily have made him a man of science. He had the senses of an Indian hunter. Of the knowledge that

is gathered by observation—as of the names and properties of plants, the song and plumage of birds, and the forms and growth of trees—he had much more than most men of his class. His eye was accurate as his mind was discriminating. Never was his conversation more interesting than when speaking of natural objects and natural phenomena. His words had the freshness of morning, and seemed to bring with them the breezes of the hills and the fragrance of spring.

Mr. Webster, both as a writer and a speaker, was unequal, and, from the nature of his mind and temperament, it could not be otherwise. He was not of an excitable organization, and felt no nervous anxiety lest he should fall below the standard of expectation raised by previous efforts. Hence, he was swayed by the mood, mental or physical, in which each occasion found him. He required a great subject, or a great antagonist, to call forth all his slumbering power. At times, he looked and spoke almost like a superhuman creature; at others, he seemed but the faint reflex of himself. His words fell slowly and heavily from his lips, as if each cost him a distinct effort. The influence, therefore, which he had over popular assemblies, was partly owing to his great weight of character.

He had strong out-of-door tastes, and they contributed to the health of his body and mind. He was a keen sportsman, and a lover of the mountains and the sea. His heart warmed to a fine tree, as to the face of a friend. He had that fondness for agriculture and rural pursuits so common among statesmen. Herein the grand scale of the whole man gave direction and character to his tastes. He did not care for minute finish and completeness on a limited scale. He had no love for trim gardens and formal pleasure-grounds. His wishes clasped the whole landscape. He liked to see the broad fields of clover, with the morning dew upon them, yellow waves of grain heaving and rolling in the sun, and great cattle lying down in the shade of great trees. He liked to hear the whetting of the mower's scythe, the loud beat of the thresher's flail, and the heavy groan of loaded wagons. The smell of the new-mown hay, and of the freshly-turned furrows in spring, was cordial to his spirit. He took pleasure in all forms of animal life,

and his heart was glad when his cattle lifted up their large-eyed, contemplative faces, and recognised their lord by a look.

His mental powers were commended by a remarkable personal appearance. He was probably the grandest-looking man of his time. Wherever he went, men turned to gaze at him; and he could not enter a room without having every eye fastened upon him. His face was very striking, both in form and color. His brow was to common brows what the great dome of St. Peter's is to the small cupolas at its side. The eyebrow, the eye, and the dark and deep socket in which it glowed, were full of power; but the great expression of his face lay in the mouth. This was the most speaking and flexible of features, moulded by every mood of feeling, from iron severity to the most captivating sweetness. His countenance changed from sternness to softness with magical rapidity. His smile was beaming, warming, fascinating, lighting up his whole face like a sudden sunrise. His voice was rich, deep and strong; filling the largest space without effort, capable of most startling and impressive tones, and, when under excitement, rising and swelling into a volume of sound like the roar of a tempest. His action was simple and dignified—and in his animated moods highly expressive. Those of us who recall his presence as he stood up here to speak, in the pride and strength of his manhood, have formed from his words, looks, tones and actions, an ideal standard of physical and intellectual power, which we never expect to see approached, but by which we unconsciously try the greatness of which we read, as well as that which we meet.

He was a man more known and admired than understood. His great qualities were conspicuous from afar; but that part of his nature, which he shared with other men, was apprehended by comparatively few. His manners did not always do him justice. For many years of his life, great burdens rested upon him, and at times his cares and thoughts settled down darkly upon his spirit, and he was then a man of an awful presence. He required to be loved, before he could be known. He, indeed, grappled his friends to him with hooks of steel, but he did not always conciliate those who were not his friends. He had a lofty spirit, which

could not stoop or dissemble. He could neither affect what he did not feel, nor desire to conceal what he did. His wishes clung with tenacious hold to every thing they grasped —and from those who stood, or seemed to stand, in his way, his countenance was averted. Some, who were not unwilling to become his friends, were changed by his manners into foes. He was social in his nature, but not facile. He was seen to the best advantage among a few old and tried friends, especially in his old home. Then his spirits rose, his countenance expanded, and he looked and moved like a schoolboy on a holiday. Conscious that no unfriendly ear was listening to him, his conversation became easy, playful and natural. His memory was richly stored with characteristic anecdotes, and with amusing reminiscences of his own early life and of the men who were conspicuous when he was young, all of which he narrated with an admirable mixture of dignity and grace. Those who saw him in these hours of social ease, with his armor off, and the current of his thoughts turning, gently and gracefully, to chance topics and familiar themes, could hardly believe that he was the same man who was so reserved and austere in public.

But, it may be asked, had this great man no faults? Surely he had. No man liveth and sinneth not. There were veins of human imperfection running through his large heart and large brain. But neither men, nor the works of men, should be judged by their defects. Like all eminent persons, he fell upon evil tongues; but those who best knew his private life most honored, venerated, and loved him.

He was a man of strong religious feeling. For theological speculations he had little taste, but he had reflected deeply on the relations between God and the human soul, and his heart was penetrated with a devotional spirit. He had been, from his youth upward, a diligent student of the Scriptures, and few men, whether clergymen or laymen, were more familiar with their teachings and their language. He had a great reverence for the very words of the Bible, and never used them in any light or trivial connection. He never avoided the subjects of life, death and immor tality, and when he spoke of them, it was with unusual

depth of feeling and impressiveness of manner. Within the last few months of his life, his thoughts and speech were often turned upon such themes. He felt that he was an old man, and that it became him to set his house in order. On the eighteenth day of January last, he had completed the threescore and ten years which are man's allotted portion, and yet his eye was not dim, nor his natural force much abated. But he grew weaker with the approach of summer, and his looks and voice, when he last addressed us from this place, a few months ago, forced upon us the mournful reflection that this great light must soon sink below the horizon. But yet, when the news came that the hand of death was upon him, it startled us like a sudden blow, for he was become so important to us, that we could not look steadily at the thought of losing him. You remember what a sorrow it was that settled down upon our city. The common business of life dragged heavily with us in those days. There was but one expression on the faces of men, and but one question on their lips. We listened to the tidings which came up, hour after hour, from his distant chamber, as men upon the shore, in a night of storm, listen to the minute-guns of a sinking ship freighted with the treasures of their hearts. The grief of the people was eager for the minutest details of his closing hours, and he died with his country around his bed. Of the beauty and grandeur of that death I need not speak to you, for it is fixed in your memories, and deep in your hearts. It fell upon the whole land like a voice from heaven. He died calmly, simply and bravely. He was neither weary of life, nor afraid of death. He died like a husband, a father, a friend, a Christian and a man; with thoughtful tenderness for all around him, and a trembling faith in the mercy of God. He was not tried by long and hopeless suffering; nor were his friends saddened by seeing the lights put out before the curtain fell. His mind, like a setting sun, seemed larger at the closing hour. Such a death narrows the dark valley to a span. Such is a midsummer's day at the poles, where sunset melts into sunrise, and the last ray of evening is caught up, and appears once more as the first beams of the new morning.

I should not feel that my duty had been wholly dis-

charged, did I not speak of the touching simplicity and solemnity of his funeral. In his will, made a few days before his death, he says: "I wish to be buried without the least show or ostentation, but in a manner respectful to my neighbors, whose kindness has contributed so much to the happiness of me and mine, and for whose prosperity I offer sincere prayers to God." His wishes were faithfully observed, and, in the arrangements for his funeral, there was no recognition of worldly distinction or official rank. He was buried simply as the head of a household, after the manner of New England. But the immense crowds which were there, drawn from all parts of the land by their own veneration and love, formed an element of impressiveness far above all civil pageantry or military honors. Who, that was there present, will ever forget the scene on which fell the light of that soft autumnal day? There was the landscape so stamped with his image and identified with his presence. There were the trees he had planted, the fields over which he had delighted to walk, and the ocean whose waves were music to his ear. There was the house with its hospitable door; but the stately form of its master did not stand there, with outstretched hand and smile of welcome. That smile had vanished forever from the earth, and the hand and form were silent, cold and motionless. The dignity of life had given place to the dignity of death. No narrow chamber held that illustrious dust; no coffin concealed that majestic frame. In the open air, clad as when alive, he lay extended in seeming sleep; with no touch of disfeature upon his brow; as noble an image of reposing strength as ever was seen upon earth. Around him was the landscape that he loved, and above him was nothing but the dome of the covering heavens. The sunshine fell upon the dead man's face, and the breeze blew over it. A lover of nature, he seemed to be gathered into her maternal arms, and to lie like a child upon a mother's lap. We felt, as we looked upon him, that death had never stricken down, at one blow, a greater sum of life. And whose heart did not swell, when, from the honored and distinguished men there gathered together, six plain Marshfield farmers were called forth, to carry the head of their neighbor to the grave? Slowly and sadly the vast multitude followed,

in mourning silence, and he was laid down to rest among dear and kindred dust. There, among the scenes that he loved in life, he sleeps well. He has left his name and memory to dwell forever upon those hills and valleys, to breathe a more spiritual tone into the winds that blow over his grave, to touch with finer light the line of the breaking wave, to throw a more solemn beauty upon the hues of Autumn and the shadows of twilight.

But though his mortal form is there, his spirit is here. His words are written in living light along these walls. May that spirit rest upon us and our children! May those words live in our hearts and the hearts of those who come after us! May we honor his memory, and show our gratitude for his life by taking heed to his counsels, and walking in the way on which the light of his wisdom shines!

XVII.

EULOGY ON MR. WEBSTER, DELIVERED IN NEW YORK CITY, BY HIRAM KETCHUM, ESQ.

"THE offices of this day belong less to grief and sorrow than congratulation and joy. It is true that our illustrious countryman, Daniel Webster, is no longer numbered among the living, but it is a subject of congratulation that he lived beyond the ordinary period allotted to human life, and that he was permitted to die, as he had lived for thirty years, in the service of his country; and at his own home, in his own bed, surrounded by his domestic family and friends. The great luminary of the bar, the Senate and the Council Chamber is set forever, but it is a subject of rejoicing that it is set in almost supernatural splendor, obscured by no cloud, not a ray darkened.

"I have often heard Mr. Webster express a great dread, I may say horrible dread, of a failure of intellect. He did not live long enough to experience such failure. I rejoice that he lived long enough to collect, and supervise, and publish to the world his own works. Many of our

distinguished countrymen live only in tradition; but Daniel Webster has made up the record for himself; a record which discloses, clear as light, his political, moral and religious principles—a record containing 'no word which, dying, he might wish to blot' or any friend of his desire to efface. More than any living man, he has instructed the whole generation of American citizens in their political duties, and taught the young men of the country how to think clearly, reason fairly, and clothe thought in the most simple and beautiful English. He has reared his own monument. 'There it stands, and there it will stand forever!' The rock which was first pressed by the feet of the Pilgrims first landing on the shores of this Western Continent is destined long to be remembered; but not longer than the oration commemorating that event, delivered two hundred years after it occurred, by Daniel Webster.

"The monument which indicates the spot where the first great battle of the American Revolution was fought will stand as long as monumental granite can stand; but long after it is obliterated and scattered, the oration delivered on laying its corner-stone, and the other oration, pronounced nineteen years after, on its completion, will live to tell that such a monument was. The names of John Adams and Thomas Jefferson will be known to a distant futurity; but I believe that among the last records which will tell of their name will be the eulogy, of which they were the theme, pronounced by Daniel Webster. We all hope, and some of us believe, that the Constitution and Union of our country will be perpetual; but we know that the speeches and orations in defence and commendation of that Constitution and Union delivered by Daniel Webster will live as long as the English language is spoken among men. I might refer to the Capitol of the country, to every important institution, and every great name in our land among the living and the dead, for there is not one of them that has not been embalmed in his eloquence.

"In the few remaining remarks which I have to make," continued Mr. Ketchum, "allow me, sir, to speak of some of the personal characteristics of Mr. Webster, as they have fallen under my own observation. I have long been acquainted with him. From all I know, have seen and

heard, I am here, to-day, to bear testimony that Daniel Webster, as a public man, possessed the highest integrity. He always seemed to me to act under the present conviction that whatever he did would be known not only to his contemporaries, but to posterity. He was 'clear in office.' He regarded political power as power in trust; and though always willing and desirous to oblige his friends, yet he would never, directly or indirectly, violate that trust. I have known him in private and domestic life. During the last twenty-five years I have received many letters from him; some of which I yet retain, and some have been destroyed at his request. I have had the pleasure of meeting him often in private circles and at the festive board, where some of our sessions were not short; but neither in his letters nor his conversation have I ever known him to express an impure thought, an immoral sentiment, or use profane language. Neither in writing nor in conversation have I ever known him to assail any man. No man, in my hearing, was ever slandered or spoken ill of by Daniel Webster. Never in my life have I known a man whose conversation was uniformly so unexceptionable in tone and edifying in character. No man ever had more tenderness of feeling than Daniel Webster. He had his enemies as malignant as any man; but there was not one of them who, if he came to him in distress, would not obtain all the relief in his power to bestow. To say that he had no weaknesses and failings would be to say that he was not human. Those failings have been published to the world, and his friends would have no reason to complain of that if they had not been exaggerated. It is due to truth and sound morality to say, in this place, that no public services, no eminent talent, can or should sanctify errors. It was one of Mr. Webster's characteristics that he abhorred all affectation. That affectation, often seen in young men, of speaking in public upon the impulse of the moment, without previous thought and preparation, of all others he most despised. He never spoke without previous thought and laborious preparation. As was truly said by my venerable friend who just sat down, (Mr. Staples,) he was industrious to the end. When, on leaving college, he assumed the place of teacher in an academy, in an interior town of New

England, the most intelligent predicted his future eminence. After his first speech in court, in his native State, a learned judge remarked, 'I have just heard a speech from a young man who will hereafter become the first man in the country.' The predictions that were made of Daniel Webster's career were not merely that he would be a great man, but the *first man.*

"I have often thought that if other men could have been as diligent and assiduous as Mr. Webster, they might have equalled him in achievement. When he addressed the court, the bar, the Senate, or the people, he ever thought he had no right to speak without previous preparation. He came before the body to which he was to speak with his thoughts arrayed in their best dress. He thought this was due to men who would stand and hear him; and the result was that every thing he said was always worthy of being read; and no public man in our country has ever been so much read.

"It may be conceded (whether it was a virtue or a weakness) that Daniel Webster was ambitious. He was. He desired to attain high position, and to surpass every man who had occupied the same before him. He spared no labor or assiduity to accomplish this end. Whether he has succeeded or not, posterity must say. I will add, that it is true that he desired the highest political position in the country; that he thought he had fairly earned a claim to that position. And I solemnly believe that because that claim was denied, his days were shortened. I came here, sir, to speak of facts as they are; neither to censure nor to applaud any man or set of men: whether what has been done has been well done, or what has been omitted has been well omitted, the public must decide. May I be permitted to add that, though I am no man's worshipper, I have deeply sympathized in thought, in word and in act with that desire of Mr. Webster? I have continued this sympathy with that desire to the last moment of his life. If there be honor in this, let it attach to me and mine; if disgrace, let it be visited upon me and my children."

THE OBSEQUIES OF DANIEL WEBSTER.

THE funeral of Mr. Webster, at Marshfield, on Friday, was a most imposing spectacle. The "Post" describes it as follows:

The sun had not risen before the people began to gather in vehicles of every description. The neighboring towns were besieged the night previous with strangers on their way to the funeral. Every hotel, private dwelling, barn, shed and stable for ten miles around Marshfield were occupied on Thursday night. The gathering was large beyond calculation. Every avenue leading to Marshfield was thronged with inward-bound vehicles from the time named above until the tomb closed over the remains of the great departed. The number of carriages was so great that the avenues to the grounds in the rear of the mansion were thrown open to receive them. Two steamboats, the Mayflower and the Atlantic, entered Green Bay freighted with about fifteen hundred people. The last named did not land her passengers until near half-past two o'clock. The remains of Mr. Webster were removed from the library about nine o'clock in the morning to a position immediately in front of the mansion, beneath the spreading branches of a large and magnificent silver-leafed poplar-tree. The cover of the coffin was then removed, presenting a view of the entire body. It was attired in a suit familiar to all who have ever seen Mr. Webster. The Faneuil Hall suit—the blue coat with bright buttons, white pants, white vest, white neckerchief, with wide collar turned over. The features of Mr. Webster were natural, and exhibited a marked serenity, seeming rather to be those of a pleasant sleeper than one in the arms of death. The coffin, or "metallic burial-case," is very beautiful. It is so constructed as to combine every valuable quality for deposit in the earth, and the preserva-

tion of remains from decomposition. It is similar in its outlines to the human form when placed in a horizontal or recumbent position. It consists of an upper and lower metallic shell, which are joined together in a horizontal line in the centre, each part being of about equal depth. These shells are more or less curvilinear, and are made exceedingly thin, yet being sufficiently strong to resist any pressure to which they may be subject while in use. The shells have each a narrow flange, which, when placed together, are bound by screws, inserted through the flanges and cemented at the point of junction with a substance which soon becomes as hard as the metal itself. The case is enamelled inside and out, and is made thoroughly air-tight. The upper shell is raised-work, and ornamented in the casting with the appearance of folding drapery thrown over the body. This is covered with a rich black drapery, neatly gathered and beautifully fringed. The case was superbly decorated with chased silver ornaments, with flowers and emblems of mortality neatly inwrought. It has a heavy oval glass over the face, on which is screwed a silver cover; on the breast of the upper shell is a smooth silver plate, upon which is inscribed alone the name of DANIEL WEBSTER. It has three ornamental silver handles on each side. This elegant piece of work was manufactured by Messrs. Huyler & Putnam, of New York. The entire farm, consisting of one thousand seven hundred and sixty-two acres, was thrown open to the public, as also was the mansion, both of which were inspected in every part by the vast multitude assembled. A stream of human beings passed through each room of the lower part of the mansion, entering at the eastern door and passing out the west, from the hour of ten o'clock in the morning until twelve, at the rate of two hundred and twenty-four persons every five minutes. At eleven o'clock, delegations, representing various city governments, and Whig and Democratic organizations, and literary institutions, arrived. General Franklin Pierce was present, under conduct of Peter Harvey and James E. Thayer, of Boston, and Dr. Putnam, of Roxbury. President King, of the Columbia College; the venerable Chief Justice Jones, of New York; Governor Marcy, Judge Parker, and Judge Harris, of

Albany; the Hon. George Griswold, of New York; Hon Abbott Lawrence, Hon. Rufus Choate, President Everett, Mr. Ashmun, Robert G. Shaw, his Excellency Governor Boutwell and Council, General Wilson, President of the Massachusetts Senate, and Speaker Banks and Judge Sprague, were among the distinguished persons present. The body was so arranged, and guarded by a body of police from this city, detailed to that duty, that it was witnessed by nearly all who desired before the services. At half-past twelve o'clock it was enclosed, and placed upon a plain open hearse, neatly draped, and drawn by two jet black horses, appropriately dressed. At this hour the services were announced to commence. The officiating clergyman, the Rev. Ebenezer Alden, Jr., pastor of the Orthodox Society in Marshfield, where Mr. Webster and family attended church, occupied a position in the front hall, near the door. The crowd at this time, inside and outside the door, was very great. The female relatives occupied the upper portion of the house. Mr. Alden commenced the services by reading a selection from the Scripture. He then delivered a feeling address, after which prayer followed.

The procession then formed, composed wholly of males, without carriages, and at half-past one moved from the residence to the tomb upon an eminence in the rear of the mansion, north. This is upon the Webster estate, and in the centre of what is called Winslow's Burying-Ground. The remains of Governor Winslow lie here; also those of Peregrine White, the first person born in this country of the Pilgrim stock. About one year since, Mr. Webster caused a portion of this place to be enclosed for his own family, and a tomb constructed. This tomb was first occupied on Thursday by the bodies of Mr. Webster's family, all of whom were removed from under St. Paul's Church, in this city. The pall-bearers were composed of farmers in Mr. Webster's own neighborhood.

The procession was large, imposing, and solemn. Upon reaching the enclosure, the body was placed near the entrance, and again opened to view for the relatives and friends. Here a delay was occasioned by the arrival of about seven hundred persons from Boston, having just

reached there from the steamer Atlantic, all of whom desired to witness the remains, and were gratified. At twenty minutes before three o'clock the case was again closed, and the Rev. Mr. Alden pronounced the prayer and benediction.

The body was placed in a large-sized case, and entombed, and the assembled multitude wended their way slowly from the spot. Silently and sadly the gathered host took up the line of march homeward, and by four o'clock in the afternoon the accustomed quiet reigned within and around the fine old mansion of the late illustrious statesman. The occasion was one never to be forgotten. It was the most solemn and impressive we ever witnessed. It was estimated that the funeral was attended by at least ten thousand persons.

The "Boston Atlas," speaking of the ceremonies, says that General Pierce, who was present, appeared to be much affected. The coffin and remains were exposed to view on the lawn in front of the house.

A large number of bouquets and wreaths of flowers covered the body. The pall-bearers, who were all men from fifty to seventy years of age, seemed deeply affected by the occasion. Each side of the road on the route of the procession was lined with people.

It is impossible for us to convey an idea of the singular solemnity and simplicity which characterized the occasion It was an appropriate and spontaneous testimony, from people of all classes, professions and opinions, to the greatness of mind and grandeur of character of him whose loss they mourned.

APPENDIX.

We conclude the volume by adding a communication of Mr. Webster, which sets forth briefly and yet emphatically his views in reference to the subject of Southern slavery,—the most difficult and dangerous problem connected with the interests of the perpetuity of the Union. The opinions of the greatest of American statesmen on this subject will have a living interest with all classes of intelligent and patriotic citizens:—

LETTER FROM DANIEL WEBSTER TO JOHN TAYLOR.

"Washington, March 17, 1852.

"John Taylor:—Go ahead. The heart of the winter is broken, and before the first day of April all your land may be ploughed. Buy the oxen of Captain Marston, if you think the price fair. Pay for the hay. I send you a check for $160, for these two objects. Put the great oxen in a condition to be turned out and fatted. You have a good horse-team; and I think, in addition to this, four oxen and a pair of four-year old steers will do your work. If

you think so, then dispose of the Stevens oxen, or unyoke them and send them to pasture, for beef. I know not when I shall see you, but I hope before planting. If you need any thing,—such as guano, for instance,—write to Joseph Breck, Esq., Boston, and he will send it to you.

"Whatever ground you sow or plant, see that it is in good condition. We want no *pennyroyal crops*. 'A little farm well tilled' is to a farmer the next best thing to 'a little wife well willed.' Cultivate your garden. Be sure to produce sufficient quantities of useful vegetables. A man may half support his family from a good garden. Take care to keep my mother's garden in good order, even if it costs you the wages of a man to take care of it. I have sent you many garden-seeds. Distribute them among your neighbors. Send them to the stores in the village, that everybody may have a part of them without cost. I am glad that you have chosen Mr. Pike representative. He is a true man; but there are in New Hampshire many persons who call themselves Whigs—are no Whigs at all, and no better than disunionists. Any man who hesitates in granting and securing to every part of the country its constitutional rights is an enemy to the whole country.

"John Taylor:—If one of your boys should say that he honors his father and mother, and loves his brothers and sisters, but still insists that one of them should be driven out of the family, what can you say of him but this, that there is no real family love in him? You and I are farmers: we never talk politics: our talk is of oxen. But remember this: that any man who attempts

to excite one part of the country against another is just as wicked as he would be who should attempt to get up a quarrel between John Taylor and his neighbor old Mr. John Sanborn, or his other neighbor, Captain Burleigh. There are some animals that live best in the fire; and there are some men who delight in heat, smoke, combustion, and even general conflagration. They do not follow the things which make for peace. They enjoy only controversy, contention, and strife. Have no communion with such persons, either as neighbors or politicians. You have no more right to say that slavery ought not to exist in Virginia than a Virginian has to say that slavery ought to exist in New Hampshire. This is a question left to every State to decide for itself; and, if we mean to keep the States together, we must leave to every State this power of deciding for itself.

"I think I never wrote you a word before on politics. I shall not do it again. I only say, love your country, and your whole country; and when men attempt to persuade you to get into a quarrel with the laws of other States, tell them that you mean to mind your own business, and advise them to mind theirs. John Taylor, you are a free man; you possess good principles; you have a large family to rear and provide for by your labor. Be thankful to the Government which does not oppress you, which does not bear you down by excessive taxation, but which holds out to you and to yours the hope of all the blessings which liberty, industry, and security may give. John Taylor, thank God, morning and evening, that you were born in

such a country. John Taylor, never write me another word upon politics. Give my kindest remembrance to your wife and children; and when you look from your eastern windows upon the graves of my family, remember that he who is the author of this letter must soon follow them to another world.

"DANIEL WEBSTER."

14 DAY USE
RETURN TO DESK FROM WHICH BORROWED

LOAN DEPT.

This book is due on the last date stamped below, or on the date to which renewed.
Renewed books are subject to immediate recall.

REC'D LD
MAY 29'64 -11 AM

17 AUG '64

REC'D LD
AUG 17'64 -12 M

4Jan'65HKX

REC'D LD
JAN 17'65 -3 PM

30Jul'65Y S

REC'D LD
JUL 16'65 -10 AM

HCLF (N)
JAN 2 - '66 J

REC'D LD
JAN 2'66-1 PM

JUN 18 1997

LD 21A-40m-11,'63
(E1602s10)476B

General Library
University of California
Berkeley

YB 37381
U. C. BERKELEY LIBRARIES
C057975653

M 111799

E340
W454

THE UNIVERSITY OF CALIFORNIA LIBRARY